2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Views on substantive issues of the 2005 Review Conference

Working paper submitted by the Republic of Korea

Non-proliferation

1. The non-proliferation of nuclear weapons is a fundamental pillar of the NPT regime. Its objectives should be achieved and all obligations under the Treaty should be complied with by the States Parties.

2. The non-proliferation of nuclear weapons will not only contribute to enhancing regional and international peace and security but also to realizing the world free of nuclear weapons.

3. Universal adherence to the Treaty is a core element to prevent the spread of nuclear weapons. As such it is closely related to achievement of non-proliferation objectives.

Safeguards and verification

4. The IAEA safeguards system is a fundamental underpinning of the global nuclear non-proliferation regime. Its institutional and technical capabilities to detect non-compliance make it the first line of defence against proliferation. As such, it fosters confidence in the compliance of States Parties with their non-proliferation obligations, which is a prerequisite for unimpeded international cooperation for peaceful uses of nuclear energy. However, through recent experiences, it has become evident that the right under Article IV of the Treaty to develop complete nuclear fuel cycles, including uranium enrichment and the reprocessing of spent fuel, can be misused to produce fissile material with which to develop nuclear weapons.

5. As a remedy for this situation, the Republic of Korea believes that currently there is no better tool than the early universalization of the Additional Protocol, which will greatly enhance the IAEA's inspection and verification capabilities. Universalization of the Additional Protocol would enhance confidence in the compliance of States Parties with their non-proliferation obligations. The Republic of Korea urges those States that have not yet signed or ratified the Additional Protocol to do so without further delay.

05-34823 (E) 200505

Export controls

6. Revelations of covert nuclear weapons programmes and of the existence of an extensive nuclear procurement network awakened the international community to the real danger of nuclear terrorism through a coalition of nuclear peddlers and terrorists. This has strengthened the conviction that the international community needs new, innovative and supplementary measures for export control as much as it needs strengthening of existing export control regimes. In this regard, while the Republic of Korea endorses the leading roles of the Zangger Committee and the Nuclear Suppliers Group (NSG) in setting international norms for export control, it also welcomes and supports the G-8 Global Partnership and United Nations Security Council resolution 1540 to deal with the illicit trafficking of WMD and related materials involving non-State actors. In particular, the Republic of Korea attaches importance to the establishment and effective implementation of national systems of export control, as called for by resolution 1540.

7. The Republic of Korea assumed the chairmanship of the Nuclear Suppliers Group for 2003 and 2004 and is fully committed to non-proliferation objectives of the Group. In addition, the Republic of Korea assumed the chairmanship of the Missile Technology Control Regime (MTCR) for 2004 and 2005. The Republic of Korea also joined the global non-proliferation efforts of the G-8 Global Partnership in 2004.

Disarmament

8. The disarmament obligations by nuclear-weapon States laid out in Article VI of the Treaty are fundamental to the full implementation of the Treaty. The Republic of Korea welcomes the significant progress made thus far in the reduction of nuclear arsenals and the commitments for further reductions under the Moscow Treaty. Nevertheless, the Republic of Korea expects deeper cuts and further engagements by nuclear-weapon States.

9. The Republic of Korea recognizes the existence of perception gap between the record of nuclear-weapon States and the level of expectations held by non-nuclear-weapon States. Closing this perception gap will certainly provide nuclear-weapon States with the moral authority and the political legitimacy to strengthen non-proliferation norms while maintaining the delicate balance among the three main pillars of the NPT.

10. The Republic of Korea underscores the importance of the faithful implementation of the "Principles and Objectives" adopted at the 1995 NPT Review and Extension Conference and the 13 practical steps contained in the Final Document of the 2000 NPT Review Conference.

11. The Republic of Korea reaffirms the importance and urgency of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). The Republic of Korea calls upon all States that have not yet ratified the Treaty, particularly those eleven States whose ratification is required for its entry into force, to do so without further delay. Meanwhile, pending the entry into force of the CTBT, it is imperative to maintain the moratorium on nuclear test explosions.

12. The Republic of Korea calls for prompt commencement of negotiations on the Fissile Material Cut-off Treaty (FMCT) and its early conclusion. The Republic of Korea calls upon nuclear-weapon States and non-NPT States to declare and abide by a moratorium on the production of fissile material for any nuclear weapons pending the entry into force of the FMCT.

Nuclear-weapon-free zones (NWFZs)

13. The Republic of Korea acknowledges the important role of nuclear-weapon-free zones (NWFZs) in enhancing global and regional peace and security. As mechanisms to inhibit any type of availability of nuclear weapons, the NWFZs have been and will remain useful tools not only for non-proliferation but also for disarmament over the longer term. The Republic of Korea continues to support the guidelines and principles on the establishment of NWFZs that were adopted by consensus at the 1999 United Nations Disarmament Commission. The Republic of Korea also supports efforts to establish and expand NWFZs wherever practicable, particularly the establishment of the Nuclear-Weapon-Free Zone in Central Asia, as provided for in the Final Document of the 2000 NPT Review Conference.

14. On the Korean Peninsula, an innovative initiative as similar as a nuclear-weapon-free Zone has already been taken. Both Koreas signed the Joint Declaration on the Denuclearization of the Korean Peninsula on 20 January 1992 and it entered into force on 19 February 1992. In this connection, North Korea is urged once again, in conformity with the letter and spirit of the Joint Declaration, to dismantle all of its nuclear programmes and return to the NPT.

Negative security assurances (NSAs)

15. In order to deal with the issue of non-proliferation more fundamentally, the Republic of Korea recognizes the need to address the root causes of proliferation. In this regard, the Republic of Korea believes that one of the most effective ways to prevent proliferation is to eliminate the incentives for acquiring nuclear weapons, while ensuring that nuclear options are ultimately negative to the security interests of the proliferators. Insecurity, real or perceived, is in many instances a key motive for the pursuit of nuclear weapons. In dealing with these complexities, the international community must redouble its efforts to alleviate security concerns that have prevented certain states from joining the NPT and caused others to clandestinely pursue nuclear weapons capabilities.

16. As a practical means of reducing the sense of insecurity, the Republic of Korea supports the concept of negative security assurances. In this regard, the Republic of Korea believes that nuclear-weapon States should provide strong and credible security assurances to non-nuclear-weapon States that faithfully meet their NPT and other safeguards obligations. At the same time, the Republic of Korea also recognizes the value of providing enhanced security assurances and other incentives to those States Parties that voluntarily accept additional non-proliferation commitments beyond the parameters of the NPT.

Reporting

17. The Republic of Korea attaches importance to transparency and accountability of nuclear-weapon States in fulfilling their disarmament obligations. Increased transparency and accountability will be conducive to reducing controversy surrounding the process of nuclear disarmament. In this regard, the Republic of Korea encourages nuclear-weapon States to report progress on disarmament to the international community on a regular basis. Nuclear-weapon States are also encouraged to report on their nuclear arsenals and inventories of fissile materials for weapons purposes. However, with regard to the modality of reporting, the Republic of Korea, on a practical aspect, takes note of the view that reporting can be flexible in its scope, format and framework.

Peaceful uses of nuclear energy

18. The Republic of Korea places utmost value on the right to peaceful uses of nuclear energy. As a country that depends on nuclear energy for 40 per cent of its electric power supply and has the world's sixth-largest civil nuclear industry, with 19 power reactors in operation and 7 additional reactors either under construction or in the planning stages, the Republic of Korea views this inalienable right as indispensable to its sustainable development. Nevertheless, the Republic of Korea believes that there should be proper safeguards against the possible abuse of this right by potential proliferators. The right to peaceful uses of nuclear energy under Article IV of the Treaty is not absolute, but conditioned upon compliance with non-proliferation and safeguards obligations under Articles II and III.

19. Addressing public concerns about the safety and security of nuclear power is also crucial for the promotion of the peaceful uses of nuclear energy. In this regard, the Republic of Korea welcomes the important progress that has been made in recent years, particularly through the establishment of global norms and standards governing nuclear safety and security such as the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and the Convention on the Physical Protection of Nuclear Material.

20. The Republic of Korea reiterates the importance of the IAEA's role in vitalizing and expanding technical cooperation to promote the peaceful uses of nuclear energy in the developing world. The Republic of Korea commends the IAEA Secretariat for its dedicated efforts to enhance the Agency's technical cooperation programmes. The Republic of Korea shares the view that the Agency should be provided with sufficient resources to facilitate its technical cooperative activities.

Multilateral approaches to the nuclear fuel cycle

21. In view of the direct proliferation danger associated with sensitive fuel-cycle technologies and facilities, the Republic of Korea recognizes the need to control their transfer, particularly to countries of proliferation concern or those countries that have no legitimate need for such technologies and facilities in terms of economic feasibility or energy security. In this regard, the Republic of Korea

believes that secure guarantees for fuel supply at a reasonable price should be provided to those countries that voluntarily forego the possession of sensitive fuel cycle facilities.

22. The Republic of Korea commends the Director General of the IAEA for recognizing the need to address this issue by commissioning the report of the independent Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle. The Republic of Korea welcomes this report and looks forward to extensive discussions on this issue.

General issues

North Korean nuclear issue

23. North Korea's disregard for and defiance of nuclear non-proliferation norms under the NPT regime and announcement of withdrawal from the Treaty is currently the most daunting challenge.

24. In this regard, the Republic of Korea wishes the following elements to be duly reflected by the Conference:

> The Conference expresses deep concern about North Korea's nuclear programmes and particularly its recent statements that it is in possession of nuclear weapons. The Republic of Korea affirms its conviction that North Korea's nuclear programmes, along with its decision in 2003 to withdraw from the Treaty, not only pose a serious challenge to the integrity and credibility of the global non-proliferation regime but also to peace and security on the Korean peninsula and beyond. While the Conference reaffirms its commitment to the integrity of the NPT, it urges North Korea to promptly come into full compliance with the NPT, in particular, without engaging in any attempt to further deteriorate the situation. The Conference urges North Korea to dismantle, once and for all, all of its nuclear programmes, including uranium enrichment programme, in a thorough and transparent and verifiable manner. The Conference also emphasizes the importance of an expeditious resolution of this issue through peaceful and diplomatic means within the framework of the Six-Party Talks. In this regard, the Conference urges North Korea to return to the Six-Party Talks without further delay.

Universality

25. The Republic of Korea welcomes the accession to the NPT by Cuba in November 2002 and by Timor-Leste in May 2003. The Republic of Korea believes that their accession will lead the Treaty one step forward toward universality of the NPT.

26. The Republic of Korea urges the three remaining States still outside the NPT, namely India, Israel and Pakistan, to join the Treaty as non-nuclear-weapon States without further delay and without preconditions, and to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty. The three non-States Parties are also urged to refrain from acts which are contrary to the object and purpose of the Treaty, including any nuclear test explosions and transfer of sensitive nuclear materials and technologies, pending their accession to the Treaty as non-nuclear-weapon States.

Withdrawal

27. The expansion of the NPT for the last 35 years is remarkable. From the initial signatories of 59 countries in 1968, its membership has now grown into a significant magnitude of 189 States Parties. The sheer number of the States Parties to the NPT attests clearly to the importance of the Treaty as a cornerstone of non-proliferation regime. The Republic of Korea shares the view that these gains should not be impaired by any attempt of withdrawal from the Treaty, while the unanimous goal of attaining universality of the Treaty should be persistently pursued.

28. The misuse of the right to withdrawal by determined proliferators, particularly through arbitrary interpretation of the provisions of Article X, poses a serious challenge to the future of the NPT. If such proliferators are allowed to withdraw from the Treaty with impunity once they have acquired necessary materials and technologies to manufacture nuclear weapons, particularly under the cover of ostensibly peaceful nuclear activities guaranteed by Article IV of the Treaty, the NPT may be faced with the unprecedented challenge of deuniversalization of the Treaty.

29. The Conference should address this issue seriously and reaffirm the principle that a State Party remains responsible for violations of the Treaty committed prior to withdrawal. The Conference should also explore viable remedial measures to this end.

Institutional deficit

30. The Republic of Korea shares the concern that the NPT regime suffers from institutional deficit. The Republic of Korea believes that the NPT needs better tools to respond more effectively and promptly to extraordinary and troubling situations involving threats to the Treaty. In this regard, the Republic of Korea welcomes proposals to adopt a new arrangement for an annual forum, making the best use of the time and resources currently allotted for the review process.

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Working paper based on the European Union Statement for Main Committee I

Submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area

1. The NPT is an irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability. It is of crucial importance that all States Parties fully comply with it. The EU is committed to preserving the integrity of the Treaty. This commitment is enshrined in its Strategy against the Proliferation of Weapons of Mass Destruction, approved by the Heads of State or Government in December 2003, and in the Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, adopted by the EU Council in November 2003. Integral to this strategy is our conviction that a multilateral approach to international security, including disarmament and non-proliferation, is the best way of maintaining international order. These principles determine the attitude to be taken by the European Union at this important 2005 NPT Review Conference.

2. The EU continues to regard the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the global non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament under Article VI of that Treaty and an important element in the further development of the applications of nuclear energy for peaceful purposes. On the occasion of this Conference, the EU reaffirms its support for the decisions and the resolution adopted at the 1995 Review and Extension Conference and for the Final Document of the Review Conference held in 2000 and bearing in mind the current situation. We look forward to examining all the relevant issues during this Conference.

3. The EU welcomes the accession to the NPT in 2002 and 2003 respectively of Cuba and Timor-Leste. Cuba's accession to the NPT and to the Tlatelolco Treaty

05-34946 (E) 200505

completed the establishment of the nuclear-weapon-free zone in Latin America and the Caribbean.

4. The NPT is one of the most important legally binding multilateral instruments for maintaining and reinforcing international peace, security and stability; all the States parties are extremely committed to it. Nothing should be undertaken that could endanger the integrity of the Treaty and undermine the essential equilibrium contained in it, for the sake of our common good: peace, security and stability.

5. The EU welcomes the end of the arms race between the USSR and the United States since the end of the Cold War. Major reductions in strategic and non-strategic nuclear arsenals and their means of delivery have taken place since then and the EU looks forward to further systematic and progressive efforts towards nuclear disarmament.

6. The EU welcomes the Moscow Treaty which entered into force on 1 June 2003. Under this Treaty the United States and the Russian Federation will reduce their operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by 31 December 2012. This is an important step in the context of international security and a contribution to the efforts of the international community in the field of nuclear disarmament and non-proliferation. In this context, the principles of irreversibility, transparency and verifiability remain important. The EU expects further reductions in the Russian and American arsenals.

7. The EU also welcomes the fact that many facilities for the production of nuclear materials for nuclear weapons have been shut down or dismantled. Four of the five nuclear-weapon States are observing moratoria on the production of these fissile materials. The EU calls on China to join the other nuclear-weapon States in declaring a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices and to abstain from any increase in its nuclear arsenal.

8. The EU recognizes the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material exceeding defence requirements under the G8 Global Partnership.

9. The issue of non-strategic nuclear weapons was included in the Final Document of the 2000 Review Conference. Reductions in these weapons are an integral part of the nuclear arms control and disarmament process. We look forward to the fulfilment of the United States and Russian 1991-1992 Presidential declarations on unilateral reductions in their stocks of tactical nuclear weapons, as well as of the commitments made by relevant States at the 2000 Review Conference. We encourage all States concerned to start negotiations on an effectively verifiable agreement to best achieve the greatest possible reductions in these weapons.

10. We underline the importance of international cooperation for the elimination of weapons of mass destruction. The EU and its Member States fully support the G8 Global Partnership, to which they make a major contribution; the Partnership works effectively towards disarmament and non-proliferation of weapons of mass destruction and their means of delivery. The comprehensive set of non-proliferation principles set out at the G8 Kananaskis Summit in 2002 constitute the criteria to be adopted and implemented to allow genuine international cooperation in the field of the elimination of weapons of mass destruction and their means of delivery. The

European Union is committed to continuing its cooperation programmes for non-proliferation and disarmament. We consider that cooperative threat reduction is an effective tool of nuclear disarmament and non-proliferation. The EU envisages expanding its programmes in this area.

11. The EU Member States attach the utmost importance to achieving the universality of, and universal compliance with, the NPT. This is part of the Union's strategy. The EU regrets that there are three countries, India, Israel and Pakistan, still outside the Treaty. In accordance with the EU Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, adopted in November 2003, we continue to call on them to accede unconditionally to the NPT as non-nuclear-weapon States.

12. The nuclear arsenal of those States which are not parties to the Treaty is a serious topic of concern, with regard to Article VI of the Treaty. Further to the report of the United Nations High-Level Panel, the EU calls on those States which are not parties to the NPT to commit themselves to non-proliferation and disarmament, to ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and to give their support to negotiations for a Fissile Material Cut-off Treaty (FMCT).

13. The EU continues to monitor the situation in South Asia. We note the declared moratoria by India and Pakistan on nuclear testing and their willingness to participate in the negotiation of a Treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. We call on those States to take and apply all necessary measures towards fulfilling their aforementioned promises. We further note with appreciation the inclusion of nuclear confidence-building measures as part of the announced composite dialogue between India and Pakistan. The EU calls on India and Pakistan to declare moratoria on the production of fissile material of weapons quality and to sign and ratify the CTBT, which would be a vitally important confidence-building measure.

14. In terms of security, not only has the risk of regional conflicts increased but the threat of the proliferation of weapons of mass destruction and their means of delivery has become more pronounced. In this context the EU is deeply concerned that some non-nuclear-weapon States Parties to the Treaty do not always comply with their obligations regarding non-proliferation.

15. The fact that 106 States Parties have not put into force an Additional Protocol constitutes a major non-proliferation deficit; where an Additional Protocol is implemented in a country, this unequivocally permits the IAEA to give credible assurances that it has no undeclared nuclear activities.

16. As recommended by the United Nations High-Level Panel Report on Threats, Challenges and Change, the Board of Governors of the International Atomic Energy Agency (IAEA) should recognize the Comprehensive Safeguards Agreements and the Additional Protocols as today's standard for IAEA safeguards.

17. As recommended by the United Nations High-Level Panel, the EU urges the States concerned to take practical measures to reduce the risk of accidental nuclear war.

18. The EU encourages all States to participate in the Proliferation Security Initiative (PSI) and welcomes the fact that the United Nations High-Level Panel also

refers to this Initiative in its recommendations. The EU also invites all States to join the Global Threat Reduction Initiative (GTRI). The G8 Global Partnership Initiative and the efforts to strengthen the Convention on the Physical Protection of Nuclear Material should be welcomed.

19. The EU remains committed to the implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We call upon all States in the region that have not yet done so to accede to the biological and chemical weapons conventions and to the NPT. The EU calls upon the States of the region to undertake to establish a zone free from weapons of mass destruction and all missiles for their delivery, as referred to in United Nations Security Council resolution 687 with an effective verification system. In view of recent revelations it is essential that, in pursuing this goal, the States of the region strictly abide by the commitments they have entered into. We believe that the conclusion by all States in the region of Comprehensive Safeguards Agreements with the IAEA and Additional Protocols should be a priority for the international community as a whole and would represent a crucial contribution to an overall improvement in security and confidence in the Middle East.

20. The EU strongly condemns the DPRK's announcement of 10 February that it has produced and now possesses nuclear weapons, and strongly urges the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

21. The EU would like to reiterate its strong support for dialogue in the framework of the Six Party Talks and trusts that the Six Party Talks will resume without further delay and without pre-condition.

22. North Korea's announcement of its intention to withdraw from the Treaty has posed an unprecedented challenge; it has provoked a debate on the implementation of Article X of the Treaty, which has been echoed by the United Nations High-Level Panel and the Director-General of the IAEA. The EU feels that the withdrawal issue should be given serious consideration by the Review Conference. It will be making specific proposals during the Conference.

23. The EU regrets the ongoing stalemate in the Conference on Disarmament and is convinced that the new threats to peace and security require that this standstill be overcome as soon as possible. The EU is committed to reaching a consensus on a programme of work in the CD and welcomes the fact that new ideas have been put forward over the last few years. We appreciate these efforts aimed at promoting consensus for a programme of work. In the context of the NPT, recommencement of substantive work within the CD is particularly significant in relation to the negotiations on a treaty banning the production of fissile materials for nuclear weapons.

24. The EU calls on the Conference of Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without pre-conditions, and bearing in mind the special coordinator's report and the mandate included therein. Pending entry into force of the said Treaty, the EU calls on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive

devices. The EU welcomes the action of those of the five nuclear-weapon States which have declared the relevant moratorium.

25. Some 175 States have now signed Comprehensive Nuclear-Test-Ban Treaty, of which 120 have ratified. The EU reiterates that it attaches the utmost importance to the entry into force of the CTBT at the earliest possible date. We call upon all States who have not done so, and in particular those States named in Annex II to the Treaty, whose ratification is required for entry into force, to sign and ratify the Treaty without delay and without conditions. In this context we welcome the recent ratification by Algeria and the Democratic Republic of the Congo of the CTBT which brings us closer to both universalization and entry into force. Pending the entry into force of the CTBT, the EU urges all States to abide by a moratorium and to refrain from any actions which are contrary to the obligations and provisions of the CTBT. The EU is actively involved in promoting universal adherence to the CTBT and participated actively in the Conference on Facilitating the Entry into Force of the CTBT held in Vienna on September 2003. We take this opportunity to commend the work of the Provisional Technical Secretariat of the CTBTO (Comprehensive Nuclear-Test-Ban Treaty Organization) under the direction of Mr. Wolfgang Hoffmann and to welcome the appointment of Mr. Tibor Toth to the post of Executive Secretary of the CTBTO Preparatory Commission.

26. The EU stresses the need for general disarmament.

27. The EU recognizes the continuing high value of the existing legally binding security assurances, provided through the Protocols to the Treaties establishing nuclear-weapons-free zones and the unilateral declarations, given by nuclear-weapons States to the non-nuclear-weapons States Parties to the NPT on the use or threat of use of nuclear weapons and noted by United Nations Security Council resolution 984 (1995) and reaffirmed at the 2000 Review Conference. The EU Strategy on Weapons of Mass Destruction indicates that positive and negative security assurances can play an important role in the NPT regime. They can serve both as an incentive to forego the acquisition of WMD and as a deterrent. In our WMD Strategy we are committed to promoting further consideration of security assurances

28. In order to help reach a consensus at our Review Conference, the Council of the European Union has adopted a Common Position on the 2005 NPT Review Conference. The EU Council identified a number of issues which we consider fundamental, covering the NPT's three pillars non-proliferation, disarmament and use of nuclear energy for peaceful purposes. Where these issues are disarmament-related you will find them in the printed version of my declaration; I shall not list them orally:

- undertaking efforts to preserve the integrity of the NPT and strengthen its implementation;
- recognizing that the NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing increased proliferation of nuclear weapons and for developing further a verification system guaranteeing that non-nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI thereof;

- working towards universal accession to the NPT;
- stressing the absolute necessity of full compliance with all the provisions of the NPT by all States Parties;
- calling on all States not party to the NPT to pledge commitments to non-proliferation and disarmament and calling on those States to become States Parties to the NPT as non-nuclear weapon States;
- calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the Resolution on the Middle East adopted at the 1995 Review and Extension Conference;
- since security in Europe is linked to security in the Mediterranean, giving top priority to implementation of the nuclear non-proliferation regime in that region;
- acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;
- stressing, while acknowledging the nuclear arms reductions which have taken place since the end of the cold war, the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT and welcoming, in this context, the ratification of the Moscow Treaty by the Russian Federation and the United States of America in 2003, while stressing the need for more progress in reducing their arsenals;
- stressing the need to implement the declarations made by the Presidents of Russia and America in 1991 and 1992 on unilateral reductions in their stocks of non-strategic nuclear weapons and calling on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination;
- recognizing application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;
- recognizing the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G8 World Partnership;
- pursuing efforts to secure transparency, as a voluntary confidence-building measure to support further progress in disarmament;
- since the Comprehensive Nuclear-Test-Ban Treaty (CTBT) forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, without conditions, calling on States, particularly those listed in Annex II, to sign and ratify the said Treaty without delay and without conditions and, pending the entry into force of the said Treaty, calling on all States to abide by a moratorium and to refrain from any action contrary to the obligations and provisions of the said Treaty. Highlighting the importance of the work of the CTBT Organization Preparatory Commission and actively supporting the work of the Special

Representative of the States which have ratified the Treaty charged with promoting universal accession to the Treaty;

- appealing again to the Conference on Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without preconditions, and bearing in mind the special coordinator's report and the mandate included therein and, pending entry into force of the said Treaty, calling on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU welcomes the action of those of the five nuclear-weapon States which have decreed the relevant moratorium;
- calling on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war;
- pursuing consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the NPT;
- calling on nuclear-weapon States to reaffirm existing security assurances noted by the United Nations Security Council in resolution 984 (1995) and to sign and ratify the relevant protocols on nuclear-weapon-free zones, drawn up following the requisite consultations, recognizing that Treaty-based security assurances are available to such zones;
- stressing the need for general disarmament;
- highlighting the importance of universal accession and implementation of the Biological and Toxin Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the conventions, measures and initiatives contributing to conventional arms control;
- calling for universal accession to and effective implementation of the Hague Code of Conduct against Ballistic Missile Proliferation;
- working for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes.

29. In conclusion, the EU is convinced that, by affording all States a framework of security and safety, the NPT decisively furthers the cause of peace. If this security framework is to survive in the coming decades, all States Parties to the Treaty must comply with their obligations.

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Working paper based on the European Union Statement for Main Committee II

Submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area

1. Given that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global nuclear non-proliferation regime, the essential foundation for nuclear disarmament under Article VI of the NPT and an important element in the further development of nuclear energy applications for peaceful purposes, the European Union makes every effort to maintain the authority and integrity of the NPT. The NPT is an irreplaceable multilateral instrument to the maintenance and reinforcement of international peace, security and stability.

2. In this statement, the EU will address the issues of non-proliferation, safeguards, protection against nuclear terrorism, and other related issues such as export controls, illicit trafficking, the physical protection of nuclear installations and nuclear-weapon-free zones.

3. To strengthen the implementation of the NPT, in December 2003 our Heads of State and Government adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction. The EU attaches great importance to achieving universality of the NPT and its universal application, in accordance with the Common Position adopted in November 2003 by the EU Council on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and their means of delivery. Our conviction, integral to this Strategy, is that a multilateral approach to international security, including disarmament and non-proliferation, is the best way to maintain peace and stability. The EU reaffirms its support for the decisions and resolution adopted by the 1995 NPT Review and Extension Conference and for the final document of the 2000 NPT Review Conference and bearing in mind the current situation.

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Safeguards

4. The aim of international safeguards is to detect and therefore to deter the diversion of nuclear materials for use in nuclear weapons, and, particularly with the provisions of the Additional Protocol, to increase confidence in the absence of non-declared nuclear activities. As a result, safeguards are a technical tool in support of the political goal of sustaining an environment in which nuclear energy may be used for peaceful purposes, complying with Articles I, II and III of the Treaty.

5. In the past, some non-nuclear weapon States, which had a Comprehensive Safeguards Agreement in force with the International Atomic Energy Agency (IAEA) still managed to develop a clandestine nuclear weapons programme, which inspections under the Comprehensive Safeguards Agreements were not able to detect.

6. When the clandestine nuclear programme for military purposes in Iraq was discovered at the end of the 1991 Gulf War and it revealed the limits of the IAEA's activities in a country which only had a Comprehensive Safeguards Agreement, the international community took the initiative to draw up a new legally binding instrument to strengthen the safeguards system, which led to the adoption in 1997 of the model Additional Protocol.

7. Past experience has shown the limitations inherent in the Comprehensive Safeguards Agreements in force; such agreements do not provide the IAEA with the necessary means to detect undeclared nuclear activities and related material.

8. It is a fact that the IAEA can only give credible assurances of the absence of undeclared nuclear activities in a country if that country has an Additional Protocol in force.

9. The safeguards obligations for non-nuclear weapon States enshrined in Article III of the NPT have the aim of providing the international community with an assurance that non-nuclear weapon States Parties are not manufacturing nuclear weapons or other nuclear explosive devices.

10. Eight years after the adoption of the model Additional Protocol, and despite the agreement reached at the 2000 Review Conference that Additional Protocols should be implemented by all States Parties to the NPT, an Additional Protocol has not been brought into force by 106 States. This constitutes an important non-proliferation deficit.

11. This unsatisfactory situation risks leading States Parties to show reluctance to engage in increased peaceful nuclear cooperation for the benefit of economic and social development.

12. Given the agreement reached in 2000 on the need for all States Parties to bring an Additional Protocol into force, and stressing the fact that at the last three sessions of the Preparatory Committee, nearly all States have declared themselves to be in favour of Additional Protocols, the European Union considers that Comprehensive Safeguards Agreements together with Additional Protocols constitute the current IAEA verification standard. A recommendation to this effect by the current Review Conference would greatly increase the confidence necessary for enhanced international cooperation in the peaceful uses of nuclear energy, since such a

recommendation would give a decisive impetus to making the Additional Protocols universal.

13. Making the Additional Protocols universal would strengthen the international non-proliferation and disarmament regime and would contribute to the security of all States. The EU supports the recommendations in the report by the United Nations High-Level Panel on Threats, Challenges and Change, namely that the International Atomic Energy Agency (IAEA) Board of Governors should recognize IAEA Comprehensive Safeguards Agreements and their Additional Protocols as today's IAEA safeguards standards.

14. The European Union regrets that 43 States Parties which do not have Comprehensive Safeguards Agreements with the IAEA still have to fulfil their obligations under the NPT. The Agency is unable to give assurances for those States. Every country should fulfil its obligations and contribute to the reinforcement of the international non-proliferation regime. The EU therefore asks the IAEA to circulate a list of these countries at this Conference, indicating the date on which their Safeguards Agreement should have come into force, and urges those 43 States to conclude such agreements, including an Additional Protocol, without further delay.

15. Given its concern that the IAEA should in future have a strengthened and cost-effective safeguards system, the EU welcomes the adoption in July 2003 of a financial package for 2004 to 2007 which provides for an increase in the safeguards budget.

Compliance with non-proliferation obligations

16. Some non-nuclear weapon States have not complied with their non-proliferation obligations under the Treaty and under their Comprehensive Safeguards Agreements with the IAEA.

Democratic People's Republic of Korea

17. The EU strongly condemns the DPRK's announcement of 10 February that it has produced and now possesses nuclear weapons, and strongly urges the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

18. The European Union deplores the announcement by the Democratic People's Republic of Korea in January 2003 that it intended to withdraw from the NPT. We continue to urge North Korea to return to full compliance with it's international non-proliferation obligations under the Treaty and its Safeguards Agreement with the IAEA. Any clandestine nuclear weapons programme must be completely, verifiably and irreversibly dismantled. The EU states its firm resolve to contribute to the search for a peaceful and negotiated settlement to the North Korean nuclear issue; it hopes that dialogue on this subject in the framework of the Six Party Talks will resume without delay. The announcement by North Korea of its intention to withdraw from the Treaty was an unprecedented challenge, which led to debate on the implementation of Article X of the Treaty, echoed by the United Nations High-Level Panel and by the Director General of the IAEA. The EU believes that the Review Conference should look seriously at this question of withdrawal. It will make concrete proposals during the Conference.

Iran

19. The European Union is united in its determination not to allow Iran to acquire military nuclear capabilities, and to see the proliferation implications of its nuclear programme resolved. It fully supports the negotiations currently under way between France, the United Kingdom and Germany, with the full participation of the Secretary-General of the Council, High Representative for the CFSP, and of Iran, on the basis of the Paris Agreement of 15 November 2004. The European Union notes that Iran has signed the Additional Protocol and has made a commitment to engage in a relationship of full cooperation and transparency with the IAEA, particularly to resolve outstanding issues. The European Union also welcomes Iran's commitment to suspend all enrichment related and reprocessing activities under IAEA supervision. The European Union calls on Iran to comply with all its international commitments fully and in good faith, and to provide the international community with objective guarantees that its nuclear programme is for exclusively peaceful purposes, by ceasing to develop and operate fissile material production capabilities. It is for Iran to re-establish trust. The European Union calls on Iran to strictly respect the provisions of the Paris Agreement of 15 November 2004 and the relevant resolutions of the IAEA Board of Governors, in particular with regard to the suspension of all enrichment related and reprocessing activities, as foreseen by the Paris Agreement.

Libya

20. On 19 December 2003, Libya announced its decision to eliminate all material, equipment and programmes leading to the production of Weapons of Mass Destruction and ballistic delivery systems. All States warmly welcome the fact that Libya brought its nuclear programme to the attention of the IAEA and that it is cooperating with the Agency, and welcome Libya's ratification of the Comprehensive Test Ban Treaty and its signature and decision to implement an Additional Protocol with the IAEA. The dismantling of Libya's Weapons of Mass Destruction Programme is recognized by the international community as a very positive precedent.

21. The EU calls for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances. In this context, the role of the United Nations Security Council as final arbiter should be reinforced, so that it can take appropriate actions in the event of non-compliance with obligations under the NPT, in accordance with the Statute of the IAEA, including the application of safeguards.

Illicit trafficking

22. We note the conclusion of the Director General of the IAEA that the uranium enrichment programmes of Iran and Libya share common elements and that the basic technology is very similar and was largely obtained from the same foreign sources. This is a matter of serious concern. We therefore fully endorse his call for full cooperation from all States in identifying the supply routes and sources of the technology and related equipment and nuclear and non-nuclear materials.

23. The illicit trade in nuclear equipment and technology is a matter of serious concern for the European Union and indeed all States Parties to the NPT. The Union

attaches great importance to strong national and internationally coordinated export controls, which we see as a necessary complement to our non-proliferation obligations under the NPT. Recent revelations have demonstrated the need for us to reinforce our efforts to tackle illicit trafficking and procurement networks and to address the issue of involvement of non-State actors in the proliferation of WMD manufacturing technology. In this context, we welcome the efforts made to dismantle such networks in Pakistan, Malaysia, South Africa, the United Arab Emirates and other countries; such efforts must continue.

24. The uncovering of the procurement network established by Dr. Khan shows that the proliferation of sensitive technology is no longer the sole preserve of States, and that financial gain is a powerful incentive.

25. The European Union therefore welcomes the adoption on 28 April 2004 of the first Security Council resolution on the proliferation of weapons of mass destruction. resolution 1540 stresses the international community's determination urgently to confront a real threat, namely the fact that such arms or materials could fall into the hands of terrorists or other non-State actors. The resolution requires all States to adopt national legislation criminalizing attempts to obtain or traffic in weapons of mass destruction, and to establish controls to thwart such activities. resolution 1540 explicitly states that none of these obligations contradicts the rights or obligations of member States by virtue of the NPT.

Export controls

26. United Nations Security Council resolution 1540, which has a binding character for United Nations Member States, obliges them to establish, develop, review and maintain appropriate and effective national export, transhipment, transit and re-export controls. Appropriate laws and regulations are to be established to this end.

27. In view of the enhanced proliferation threat, the EU considers it necessary for exporting States, as well as for importing States, to assume their responsibilities and take measures to ensure that exports of nuclear materials, equipment and technologies and related dual-use items are subject to appropriate surveillance and control. Export controls ensure that transfers take place for peaceful purposes as required by the NPT, facilitating also cooperation and technological development. The EU will work towards strengthening the effectiveness of export controls, preventing any uncontrolled dissemination of sensitive technologies, in particular by non-State actors, and defining adequate consequences for situations of non-compliance. We will however pay great attention to compliance with the core principles of the Treaty and, in particular, to the development of and cooperation on peaceful uses of nuclear energy. The EU will act in a way that saves the vast majority of countries, which respect their commitments, from the consequences of non-compliance by the few which do not. We will avoid creating dividing lines among the international community. The EU will therefore focus on strengthening export control policies and practices, within the EU and beyond, in coordination with its partners.

28. Coordination of national export control policies contributes significantly to the non-proliferation objectives of the NPT. In this regard, the work of the Zangger Committee was highlighted and welcomed by previous Review Conferences. At previous Preparatory Committees, States Parties to the NPT were urged to base their

export control policies on the Committee's technical interpretations of the obligations under Article III.2 as published in IAEA document INFCIRC/209 as amended.

29. The Member States of the EU also play an active role in the Nuclear Suppliers Group (NSG). We consider that the work of this group makes an important contribution to the non-proliferation of nuclear weapons. The EU abides by the NSG's requirement that transfers of trigger list items only be made to States which have in place a Comprehensive Safeguards Agreement with the IAEA. The EU member States are also working towards making the Additional Protocol a condition of supply for nuclear exports.

30. Work is also under way in the NSG to amend its Guidelines, particularly on additional criteria concerning the supply of enrichment and reprocessing technology, and on an immediate suspension of the supply of nuclear materials, equipment and technology to those in breach of their safeguards obligations.

31. We believe it would be most appropriate for this Review Conference to welcome and recognize the work of the NSG in pursuance of the NPT's non-proliferation goals and which meet the requirements of United Nations Security Council resolution 1540.

32. The EU proposes that all States Parties to the NPT follow the understandings of the Zangger Committee and the guidelines of the NSG when considering exports of nuclear materials, equipment and technologies. The EU supports every effort to ensure maximum transparency in all nuclear-related exports.

33. The EU calls on the States not party to the NPT to pledge a commitment to non-proliferation and disarmament, and once again calls on those States to become States Parties to the NPT as non-nuclear weapon States.

Safe and secure management of surplus nuclear weapons material

34. The Trilateral Initiative between the United States, Russia and the IAEA has not yet been implemented. The EU considers that a new momentum should be given to those negotiations.

35. The EU proposes that as soon as possible all nuclear-weapon States place fissile material no longer required for military purposes under IAEA or other international verification arrangements. France and the UK have already fulfilled this requirement.

Nuclear security

36. The EU continues to attribute great importance to the fight against terrorism, the continuing urgency and importance of which has been underlined by the tragic events of recent years. The EU strongly supports all measures that are aimed at preventing terrorists from acquiring nuclear, biological, chemical and radiological weapons and their means of delivery. We therefore supported and welcomed the inclusion of an anti-terrorist clause in each of the export control regimes. We also welcome efforts in other forums such as the G-8 to prevent terrorists or those that harbour them from acquiring or developing weapons of mass destruction, missiles and related equipment and technology. We call upon all States to take effective

measures to address the problem of diversion of and trafficking in WMD materials, and of the participation of non-State actors in proliferation of WMD.

37. The EU welcomes and appreciates the activities of the IAEA aimed at preventing nuclear terrorism. The IAEA had begun work on this area before the events of 11 September 2001 and has continued with its good work. We recall in this regard the March 2003 Conference on Security of Radioactive Sources held in Vienna by the IAEA, the United States and Russia, and the Conference to be held in Bordeaux in June 2005 on safety and security of radioactive sources. We welcome and support the recommendations made in Vienna.

38. In the nuclear security field, the EU stresses the importance of the recent Conference organized by the IAEA in London in March 2005.

39. The EU welcomes the adoption in 2003 of the Code of Conduct on the safety and the security of radioactive sources by the IAEA member States. The EU member States have informed the Director General in writing that they fully support the Code to make a political commitment to work towards following the guidance contained in the Code. The EU urges all countries to inform the IAEA Director General of their political commitments to support the Code. The EU supports also the internationally harmonized guidance for the import and export of radioactive sources in accordance with the Code of Conduct. The EU welcomes the wide support received by the world initiative to reduce the nuclear threat. The EU underlines the adoption of the European directive 2003/122 of 22 December 2003 on the control of highly radioactive sealed sources and orphan sources.

40. Also, effective physical protection of nuclear material, both civil and military, is of paramount importance. In the civil area, we welcome the fact that the number of States Parties to the Convention on the Physical Protection of Nuclear Material stands at 111. We call upon States that have not yet done so to accede to the Convention. The EU welcomes the well-defined draft amendment of the Convention worked out by a Technical and Legal Drafting Group, convened by the Director General of the IAEA, with the aim of extending the scope of the Convention to the physical protection of nuclear installations, and domestic use, storage and transport of nuclear material. The EU supports the initiative launched by Austria and by a number of other States Parties to the Convention to invite the Director General of the IAEA to convene a Diplomatic Conference in accordance with Article 20 of the Convention with a view to adopting the draft amendment to it. The Director General of the IAEA has just convened a Diplomatic Conference from 4 to 8 July 2005, to examine and adopt this draft amendment to the Convention. The EU urges all Parties to the Convention on the Physical Protection of Nuclear Material to participate in the Diplomatic Conference from 4 to 8 July so that the quorum of two thirds of the 111 Parties is achieved, to enable amendments to be adopted. The EU calls on all States which are members of the IAEA and have not yet signed and ratified the CPPNM Convention to do so in its amended version.

41. The EU has been supporting the Proliferation Security Initiative (PSI) since its launch in May 2003, in order to drive the initiative forward. The PSI has established itself as an important instrument providing an effective response to some of the major security challenges of the 21st century. It has succeeded in raising worldwide awareness of the threat posed by trafficking in WMD, their delivery systems and related materials, and in establishing the international cooperation that is required to stop WMD-related distribution and proliferation networks.

42. The EU welcomes the United Nations General Assembly's unanimous adoption of the Convention for the Suppression of Acts of Nuclear Terrorism. It hopes that all States will sign and ratify the Convention as soon as possible.

43. The responsibility for the security and safety of nuclear materials and high-level radioactive sources lies with the State. The EU encourages all States which have nuclear facilities and high-level radioactive sources on their territory to take all protection measures commensurate with the security risks.

44. The IAEA also plays a vital role in this area, particularly through its Nuclear Security Fund, which can make a major contribution to fighting the global threat of terrorism. We welcome the donations which have been made, whether financial or in kind, and we urge all Member States to provide support for the Agency's programme of activities, thereby ensuring its long-term viability.

45. The EU remains committed to implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We call upon all States in the region that have not yet done so to accede to the biological and chemical weapons Conventions and to the NPT. The EU calls upon the States of the region to undertake to establish a zone free from weapons of mass destruction and the means for their delivery as referred to in United Nations Security Council resolution 687 with an effective verification system. In view of recent revelations it is essential that, in pursuing this goal, the States of the region strictly abide by the commitments they have entered into. We believe that the conclusion by all States in the region of Comprehensive Safeguards Agreements with the IAEA and Additional Protocols should be a priority for the international community as a whole and would represent a crucial contribution to an overall improvement in security and confidence in the Middle East.

The EU's bilateral non-proliferation cooperation

46. In accordance with the EU Strategy against Proliferation of Weapons of Mass Destruction, adopted by our Heads of State or Government in December 2003, the EU has taken a series of measures to foster cooperation on non-proliferation, including:

- helping third countries to implement effective export controls, and cooperating with them to that end, in accordance with United Nations Security Council resolution 1540;
- helping third countries to reinforce nuclear security;
- contributing to global disarmament and the elimination of WMD;
- helping to improve the nuclear materials accountancy and export control systems of the States concerned;
- organizing workshops and seminars on non-proliferation, universalization and multilateralism.

Nuclear-Weapon-Free Zones

47. The European Union is aware of the importance of Nuclear-Weapon-Free Zones, established on the basis of arrangements freely arrived at among the States of the region concerned. They consolidate international and regional peace and

security. We welcome and support that Nuclear-Weapon States have signed and ratified the relevant protocols on Nuclear-Weapon-Free Zones, following completion of the necessary consultations.

48. The EU would like to see the conclusion of the Protocol to the Treaty of Bangkok which establishes the South East Asia NWFZ. The EU hopes that the outstanding issues can be addressed and resolved quickly.

49. The EU also supports the progress made by the Central Asian States to create a Nuclear-Weapon-Free Zone in their region. The EU hopes that outstanding questions can be resolved, in keeping with the principles and guidelines in the 30 April 1999 report from the United Nations Disarmament Commission.

50. The EU appeals to the States Parties to the Treaty of Pelindaba which have yet to ratify the Treaty in order to bring it into force, to do so without delay.

51. In order to help reach a consensus at our Review Conference, the Council of the European Union has adopted a Common Position on the 2005 NPT Review Conference. The EU Council identified a number of issues which we consider fundamental, covering the NPT's three pillars non-proliferation, disarmament and use of nuclear energy for peaceful purposes. Where these issues concern non-proliferation, they have been included in the written version of my declaration, but I shall not list them orally:

- recognizing that serious nuclear proliferation events have occurred since the end of the 2000 Review Conference;
- stressing the need to strengthen the role of the United Nations Security Council, as final arbiter, in order that it can take appropriate action in the event of non-compliance with NPT obligations, in keeping with the Statute of the International Atomic Energy Agency (IAEA), including the application of safeguards;
- drawing attention to the potential implications for international peace and security of withdrawal from the NPT. Urging the adoption of measures to discourage withdrawal from the said Treaty;
- calling for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances;
- calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the resolution on the Middle East adopted at the 1995 Review and Extension Conference;
- since security in Europe is linked to security in the Mediterranean, giving top priority to implementation of the nuclear non-proliferation regime in that region;
- acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;
- stressing the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of radiological dispersal devices and, in

this context, stressing the need for compliance with obligations under Security Council resolution 1540 (2004). Calling for tighter security for high-activity radioactive sources. Supporting G-8 and IAEA action in this regard;

- recognizing that, in the light of the increased threat of nuclear proliferation and terrorism, the Proliferation Security Initiative, the Global Threat Reduction Initiative and the G-8 Global Partnership Initiative should be approved;
- calling for universal accession to the Comprehensive Safeguards Agreements and Additional Protocols;
- recognizing that Comprehensive Safeguards Agreements and Additional Protocols have a deterrent effect on nuclear proliferation and form today's verification standard, and continuing to work for increased detectability of any violations of Treaty obligations;
- working for recognition by the IAEA Board of Governors that the conclusion of a Comprehensive Safeguards Agreement and an Additional Protocol is today's verification standard;
- highlighting the IAEA's unique role in verifying States' compliance with their nuclear non-proliferation commitments and helping them, on request, to tighten up the security of nuclear materials and installations, and calling on States to support the Agency;
- recognizing the importance of appropriate effective export controls, in compliance with Security Council resolution 1540 (2004) and in accordance with Article III.2 of the NPT;
- implementing, at national level, effective export, transit, transshipment and re-export controls, including appropriate laws and regulations for that purpose;
- enacting effective criminal sanctions to deter illegal export, transit, brokering, trafficking and related financing, in compliance with United Nations Security Council resolution 1540 (2004);
- urging the Zangger Committee and the Nuclear Suppliers Group to share their experience on export controls, so that all States can draw on the arrangements of the Zangger Committee and the Nuclear Suppliers Group (NSG) guidelines;
- pointing up the need to strengthen the (NSG) Guidelines at an early date, to adapt them to new non-proliferation challenges;
- calling on the States Parties to the Convention on the Physical Protection of Nuclear Material to work for rapid conclusion of an amended Convention.

Conclusion

52. The EU and its member States will cooperate constructively with all States Parties at this Review Conference with the aim of making progress in nuclear non-proliferation, in keeping with the NPT and in the light of the outcome of previous Review Conferences and recent developments, as well as discussions in the Preparatory Committee for this present Conference.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper based on the European Union Statement for Main Committee III

Submitted by Luxembourg on behalf of the European Union, the candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro

Article IV

1. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) enshrines in strong terms the inalienable right of all States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II as well as Article III of the Treaty. To take advantage of the possibilities that exist in this area, the States Parties are called on to cooperate. It should be stated unequivocally in this context that any possibility of improper use of civilian nuclear programmes for nuclear military purposes must be effectively excluded.

2. All the NPT review conferences, and in particular those held in 1995 and 2000, have explicitly emphasized the link between peaceful nuclear activities and related cooperation and the non-proliferation obligations that arise from the Treaty.

3. The European Union recalls the conditions laid down by the NPT for the exercise of the right to nuclear energy which is opened up by Article IV: the observance of non-proliferation commitments, the implementation of IAEA safeguards and the pursuit, in accordance with the good-faith principle, of peaceful purposes.

4. The European Union is strongly committed to the objectives of Article IV. Through multilateral and bilateral programmes it encourages the many peaceful and beneficial applications of nuclear technology. One of the most important instruments for the purposes of peaceful nuclear development is the Technical Cooperation programme of the International Atomic Energy Agency (IAEA), which the Union fully supports, especially as regards the needs of the States Parties in terms of development and the benefits they receive from the programme.

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IAEA Technical cooperation

5. According to paragraph 19 of the Decision on principles and objectives adopted in 1995, every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation. The 25 Member States of the EU collectively make an important contribution to the Agency's budget and provide a significant proportion of the voluntary contributions to its Technical Cooperation Fund.

6. The EU works closely with the IAEA Secretariat and the other States Parties in implementing a programme on established and emerging nuclear techniques, such as the "sterile insect technique" in Africa, Latin America and the Mediterranean region, and landmine detection techniques, which we hope will contribute to play a part in our efforts to eradicate this evil in mine-affected post-conflict areas. We also support the research being done into the possibility of using the sterile-insect technique to eradicate paludism and malaria, as well as research into the use of nuclear techniques against infectious diseases, such as tuberculosis and HIV/AIDS, with the aim of improving health, food security and economic development in many regions of the world.

7. The EU encourages the IAEA to continue its efforts by applying the methodology described below to resolve the problems that exist in the various priority areas of cooperation:

(a) model projects based on demand and needs;

(b) national programming frameworks for the process of selecting projects, including a financial contribution in accordance with IAEA rules;

(c) thematic planning to ensure a decisive impact on human health, agricultural development, industrial applications, radiological protection, self-sufficiency and sustainability;

(d) the adoption of projects that meet the central criterion of the IAEA Strategy.

8. The EU welcomes the increasing importance that the IAEA programmes attach to assisting beneficiary countries to improve the safety of their nuclear facilities, including during the decommissioning phase, as well the safety and security of their nuclear materials and radioactive waste.

9. The EU urges the IAEA to launch education and training programmes that will contribute to the updating of nuclear knowledge so as to meet the needs of both developing and developed countries.

10. The EU is closely following the development of innovative projects in the field of reactors and nuclear fuel cycles, which could lead in particular to the establishment of new approaches to the fundamental issues, namely safety, non-proliferation and the minimization of radioactive waste. The Union approves the IAEA's role in helping Member States, at their request, to draw up projects, whether in the field of using nuclear energy to produce electricity or in the application of nuclear energy in the fields of health, industry, agriculture and research.

11. The EU welcomes the work currently being done by the IAEA and its Member States to improve the safety and security of radioactive sources, including the Code

of Conduct on the Safety and Security of Radioactive Sources, which was finalized in July 2003 and approved by the IAEA General Conference in September 2003. The EU Member States have informed the IAEA Director General in writing of their political commitment to follow the guidelines contained in it. The EU calls on all countries to communicate to the Director General their political commitment to comply with the Code.

12. The EU welcomes the internationally harmonized guidelines on the import and export of radioactive sources, which are in line with the requirements set out in the Code of Conduct on the Safety and Security of Radioactive Sources.

13. The EU welcomes the well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material which has been prepared by a group of technical and legal experts, at the request of the IAEA Director General, with a view to extending the Convention's scope to include physical protection of nuclear facilities, and the domestic use, storage and transport of nuclear material. The EU supports the initiative launched by Austria and by a number of other States Parties to the Convention to invite the Director General of the IAEA to convene a Diplomatic Conference in accordance with Article 20 of the Convention with a view to adopting the draft amendment. The Director General of the IAEA has just convened a Diplomatic Conference from 4 to 8 July 2005, to examine and adopt this draft amendment to the Convention. The EU urges all Parties to the Convention on the Physical Protection of Nuclear Material to participate in the Diplomatic Conference from 4 to 8 July so that the quorum of two thirds of the 111 Parties is achieved, to enable amendments to be adopted. The EU calls on all States which are members of the IAEA and have not yet signed and ratified the CPPNM Convention to do so in its amended version.

14. The European Union stresses the importance of the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and also their peer-review mechanisms. The Union calls on all States Parties that have not yet done so to accede to these Conventions and to apply their resulting obligations in full.

15. States Parties that have not yet done so are invited either to accede to the Vienna Conventions or Paris and Brussels Conventions on civil nuclear liability or to introduce national legislation on civil nuclear liability.

16. Regarding the transport of radioactive material, the EU emphasizes the usefulness of the IAEA's TranSAS service as a way of helping to promote the strict application of regulations in this field. The EU encourages States to make use of this service.

17. The EU is pleased to note the approval of the IAEA's Code of Conduct on the Safety of Research Reactors.

The EU's bilateral cooperation

18. In accordance with the European Union's Strategy against the Proliferation of Weapons of Mass Destruction, decided by our Heads of State and Government in December 2003, the European Union has taken a series of cooperation measures. Here I will only enumerate the ones that are related to the peaceful applications of nuclear energy:

- a Joint Action with the Russian Federation for the conversion of surplus nuclear weapons material into nuclear fuel for civilian use;
- assistance to third countries for the enhancement of the security and safety of their nuclear facilities and the protection of highly radioactive sources;
- assistance to third countries in combating illicit trafficking in nuclear and radioactive materials;
- assistance to third countries to enhance their export controls;
- a Joint Action in support of IAEA activities;
- nuclear safety and security assistance for States of the former Soviet Union on the basis of the TACIS programme;
- nuclear safety and security assistance for EU Candidate States on the basis of the PHARE programme.

19. Conscious of its obligations under Article IV of the Treaty, the EU is engaged in many technical cooperation programmes, which contribute to the peaceful uses of nuclear energy by all States Parties to the Treaty and in particular to the requirements of developing countries.

20. To help achieve a consensus during our Review Conference, the Council of the European Union has adopted a Common Position relating to the 2005 NPT Review Conference. In its Common Position, the Council identified a number of points which seem to us to be fundamental and which cover the three pillars of the NPT non-proliferation, disarmament and the peaceful use of nuclear energy. Insofar as these points relate to peaceful use, they are included in the printed version of my statement, but I shall not enumerate them orally:

- recognizing the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty;
- underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calling upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments;
- noting that the States Parties to the NPT, may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture;
- urging the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions;
- noting the report of the IAEA's expert group on multinational approaches to the nuclear fuel cycle and promoting an early start to its scrutiny by the IAEA.

21. In conformity with their international non-proliferation obligations, States Parties to the NPT should subordinate their nuclear cooperation to observance by the recipient States of their international obligations, and in particular by the following criteria:

(a) the recipient country should have in force a Comprehensive Safeguards Agreement with the IAEA;

(b) the authorities of the recipient country should apply effective controls on re-export;

(c) an effective and appropriate level of physical protection should be in place, in conformity with the Convention on the Physical Protection of Nuclear Material and the forthcoming amendments to it and is inspired by the recommendations of the IAEA in this area.

22. Nuclear enrichment and reprocessing technologies are once again the subject of particular attention from the international community because of their dual-use nature (civilian and military). The EU believes it is important to encourage access guarantees to nuclear-fuel-related services or to the fuel itself, under appropriate conditions. In this connection, the EU notes the report of the IAEA experts group on multilateral approaches to the nuclear fuel cycle and the need to start discussing it in the IAEA as soon as possible.

23. The EU reiterates the importance it attaches to the universalization of additional protocols and considers that adherence to such protocols should be considered by all States Parties as the essential means of demonstrating that they are fulfilling their non-proliferation obligations under the NPT.

24. The EU considers that comprehensive safeguard agreements and additional protocols now constitute the IAEA verification standard. A decision to this effect by the present Review Conference would greatly enhance the confidence necessary for more active international cooperation in the peaceful uses of nuclear energy. Moreover, the EU will work within the IAEA to make the IAEA Board of Governors acknowledge that the conclusion of comprehensive safeguard agreements and additional protocols are the verification standard of today.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005
English
Original: Spanish

New York, 2-27 May 2005

Note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

The Permanent Mission of Mexico to the United Nations presents its compliments to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and has the honour to refer to the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26-28 April 2005.

In this connection, bearing in mind the relevance of the issue of nuclear-weapon-free zones, particularly in the context of Main Committee II, the Permanent Mission of Mexico requests that the following documentation be circulated as a working paper of the Conference:

- Message from the Secretary-General of the United Nations (CZLAN/CONF/3) (English and Spanish) (see annex I)
- Report of the Rapporteur (CZLAN/CONF/4) (Arabic, English, French and Spanish) (see annex II)
- Declaration of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones (CZLAN/CONF/5) (Arabic, English, French and Spanish) (see annex III)
- Report of the Civil Society Forum (CZLAN/ONG/2) (English) (see annex IV)

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Annex I to the note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

CZLAN/CONF/3

THE SECRETARY-GENERAL
MESSAGE TO THE CONFERENCE OF STATES PARTIES AND SIGNATORIES OF TREATIES THAT ESTABLISH NUCLEAR-WEAPON-FREE ZONES
Tlatelolco, Mexico, 26-28 April 2005

[Original: English and Spanish]

A functioning system of collective security for the 21st century must have as urgent priorities the prevention of nuclear proliferation, the reduction of nuclear arsenals and advancement towards the goal of the total elimination of nuclear weapons. As I have argued in my recent reform report, "In Larger Freedom," non-proliferation and disarmament are in the interest of all States, and I have called for action to advance both these goals. This timely conference is an opportunity to examine the important contribution that nuclear-weapon-free zones make to these goals, and to explore how we can build upon the impressive record of progress to date.

Through information sharing, and verification and compliance mechanisms, nuclear-weapon-free zones build confidence among participating States that the obligations under the treaties creating such zones are in fact being implemented in good faith. Expanding membership in nuclear-weapon-free zones and facilitating implementation of their obligations will further strengthen the role of these instruments. The support of nuclear-weapon States – particularly through ratification of relevant protocols – is also essential. In that context, I call for renewed efforts to ensure the earliest entry into force of the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty). It is also important to create new zones, especially in the Middle East and other parts of Asia. I therefore welcome the significant progress made towards a Central Asian Nuclear-Weapon-Free Zone Treaty by the five Central Asian States.

For its part, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlateloco Treaty) is an inspiring landmark in global efforts to promote nuclear disarmament and non-proliferation. On the eve of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, I hope that this meeting in Tlateloco will remind all States not only of the strategic and moral value of nuclear-weapon-free zones, but also of the possibilities for progress on a range of fronts in our quest for a world free of nuclear weapons.

Annex II to the note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

CZLAN/CONF/4

Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones
Tlatelolco, Mexico, 26 to 28 April 2005

Rapporteur's Report on the Deliberations of the Conference

[Original: Arabic, English, French and Spanish]

The Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones opened its plenary meeting on Wednesday 27 April 2005.

The meeting was opened by the General Secretary of the Conference who, after welcoming the participants, proceeded to submit for its consideration the Agenda (CZLAN/CONF/L.1). Having approved the Agenda, the Conference went on to adopt the Rules of Procedure (CZLAN/CONF.2). The General Secretary reminded the delegates that, in accordance with Rule 3 of the Rules of Procedure, the Bureau of the Conference would be made up of a President, 3 Vice Presidents and a Rapporteur.

In regard to item 4 of the Agenda, election of the members of the Bureau, the Secretariat of the Conference proposed, in keeping with standard practice in international conferences, that the Presidency should be occupied by a Representative of the host State. In this regard, the General Secretary submitted for the consideration of the Conference the election of Ms. Patricia Olamendi, Under Secretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs of Mexico, to preside over the work of the Conference. Likewise, it was proposed that the Vice-Presidencies should be held by the Representatives of Cuba, on behalf of the States Parties to the Treaty of Tlatelolco; New Zealand, for the Treaty of Rarotonga; and Senegal, for the Treaty of Pelindaba, while the post of Rapporteur would be occupied by Indonesia, in representation of the Treaty of Bangkok. The Conference approved these proposals.

Once the Bureau of the Conference had been set up, during the plenary meetings on 27 April, the Conference went on to item 5 of the Agenda, consisting of a general debate on the topic of "the contribution made by Nuclear-Weapon-Free Zones to a genuine regime of non-proliferation of nuclear weapons." Representatives of the following 36 delegations took the floor: Algeria, Argentina, Brazil, Chile, China, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Fiji, France, Indonesia, Jamaica (representing the Caribbean Community), Japan, Libya, Luxembourg, Kenya, Malaysia, Morocco,

Mauritius, Mexico, Mongolia, Myanmar, Nicaragua, Nigeria, New Zealand, Republic of Korea, Senegal, South Africa, Tanzania, Ukraine, Uruguay, Uzbekistan, Venezuela and Vietnam. With the authorization of the Conference, the non-governmental organization *Pugwash International* also took the floor.

In the general debate, the majority of the participating delegations stressed the need to strengthen the global nuclear disarmament and non-proliferation regime, particularly through the observance and effective application of the provisions on the matter contained in the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaties that establish Nuclear-Weapon-Free Zones. The delegations underscored the important contribution made by these treaties to attaining the objective of a nuclear-weapon-free world.

The delegations emphasized the importance that the Conference of States Parties and Signatories to the Treaties that establish Nuclear-Weapon-Free Zones would have for the success of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 2 to 27 May 2005.

During this plenary meeting, the Delegation of Argentina expressed the following reserve with regard to operative paragraph 29 of the draft Declaration:

> "Although Argentina does not object to a consensus at such time as the Declaration is adopted, it wishes to place on record the inadvisability of addressing issues related to the peaceful use of nuclear energy within OPANAL, since such issues do not form part of the Treaty of Tlatelolco. Specifically, the topic of transportation of nuclear materials should be discussed in the appropriate spheres of competence, that is to say, the International Atomic Energy Agency (IAEA) and the International Maritime Organization (IMO)."

With regard to item 6 of the Agenda, the plenary meeting on Thursday 28 April focused on the topic "Mechanisms to strengthen political co-ordination between Nuclear-Weapon-Free Zones."

The meeting was presided by the Representative of Cuba, Vice-President of the Conference. The General Secretary of the Conference set forth the results of the consultations with each of the Nuclear-Weapon-Free Zones. He pointed out that the purpose of his proposal would be to maintain constant communication between the Zones and to promote possible co-operation agreements such as that currently in effect between the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the Pacific Islands Forum. The Delegation of Mexico presented a non-paper designed to aid the deliberations on the topic.

In the exchange of views, 12 delegations took the floor: Algeria, Brazil, Chile, Egypt, El Salvador, Honduras, Indonesia, Lao, Nigeria, Senegal, the African Union and Venezuela. The speakers thanked the General Secretary of the Conference and the Delegation of Mexico for their proposals, and put forward their own proposals for Nuclear-Weapon-Free-Zone co-operation mechanisms. Among other issues, the advisability of establishing focal points for each of the treaties was raised.

The summary made by the President and adopted by the Conference reflected the main points of consensus, as follows:

- Reaffirm the need to strengthen Nuclear-Weapon-Free-Zone co-ordination mechanisms based on their common goals.

- That this first Conference constitutes a landmark in establishing the co-ordination mechanism and the advisability of repeating it was reaffirmed, the most suitable date being 2010, prior to the Eighth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

- That within the purview of the mechanisms established by each of the treaties, those acting as coordinators be invited to their periodic meetings (conferences or general assemblies), in accordance with the mechanism established by those treaties.

- That the mechanism for information exchange between the treaties be reinforced in order to step up the attainment of common goals.

- Bearing in mind the different statements made, continue to study ways to apply the coordination mechanism in line with the progress achieved.

- That in the initial stage, which could last two years, the Tlatelolco Treaty, through OPANAL, should carry out the necessary co-ordination for the implementation of the agreed measures to strengthen the co-ordination mechanisms. That in the future, this responsibility should be rotated among the treaties.

During the same meeting on 28 April, New Zealand formulated the following statement:

"New Zealand still has difficulties with paragraph 24 of the proposed declaration. We have tried to reach late agreement; that has not been possible. So I wish to make a clarifying statement.

Paragraph 24 paraphrases part of article IV of the NPT.

Therefore, New Zealand understands this paragraph to be reaffirming the inalienable right of all States Parties to the NPT to develop the research, production and utilization of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the NPT. New Zealand also accepts the reference to the inviolability of nuclear facilities.

Because the reference to States Parties and articles I and II have not been made within paragraph 24, it is possible to read this with different meanings, including a reinterpretation of the NPT bargain.

New Zealand needs to be clear to this meeting that New Zealand reads paragraph 24 as in line with the multilateral declaration of the NPT. That is the only way that we can agree to this declaration. We reject any other interpretation".

Annex III

CZLAN/CONF/5

Declaration of the Conference of Nuclear-Weapon-Free Zones

[Original: Arabic, English, French and Spanish]

On the occasion of the Conference on the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties and signatories to the Treaties of Tlatelolco (1967), Rarotonga (1985), Bangkok (1995), and Pelindaba (1996), which have established nuclear-weapon-free zones, and Mongolia, have met for the purpose of strengthening the nuclear-weapon-free zone regime and contributing to the disarmament and nuclear non-proliferation processes, and in particular to analyze ways of cooperating that can contribute to achieving the universal goal of a nuclear-weapon-free world.

Convinced that the existence of nuclear weapons constitutes a threat to the survival of humanity and that the only real guarantee against their use or threat of use is their total elimination as a way to achieve a nuclear-weapon-free world;

Convinced also of the important contribution made by the disarmament and nuclear non-proliferation regime to maintaining and strengthening international peace and security;

Confirming that Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) establishes the obligation to proceed with and to achieve nuclear disarmament;

Recognizing that the establishment of new nuclear-weapon-free-zones in regions where they do not exist should be concluded in accordance with the provisions of the Final Document of SSOD-I and the principles and guidelines adopted by the UNDC at its 1999 substantive session;

Recognizing also the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories by virtue of Article VII of the NPT, the cornerstone of the international nuclear disarmament and non-proliferation regime;

Bearing in mind that the international community must continue promoting the creation of nuclear-weapon-free zones throughout the world, as an effective means for achieving the objective of the total elimination of nuclear weapons, with the absolute priority of strengthening peace and security both at regional and international levels;

Recognizing multilateralism as the core principle of disarmament negotiations and nuclear non-proliferation efforts aimed at maintaining, strengthening and enlarging the scope of

universal nuclear disarmament norms, as well as the complementary nature of irreversible and verifiable unilateral and bilateral measures in this area;

Welcoming the establishment of nuclear-weapon-free-zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards achieving the objective of global nuclear disarmament, and the interest expressed by States Parties and signatories to such Treaties in promoting cooperation and consultation mechanisms among themselves, their treaty agencies and other interested States;

1. **We reaffirm** that the continued existence of nuclear weapons constitutes a threat to all humanity and that their use would have catastrophic consequences for life on Earth. Therefore, we believe in the need to move toward the priority objective of nuclear disarmament and to achieve the total elimination and prohibition of nuclear weapons.

2. **We are convinced** that reaching the objective of permanently eliminating and prohibiting nuclear weapons requires firm political will from all States, particularly those States that possess nuclear weapons.

3. **We are also convinced** that the establishment of internationally recognized nuclear-weapon-free zones on the basis of agreements entered into freely among the States of the zone concerned strengthens world and regional peace and security, reinforces the nuclear non-proliferation regime, and contributes to the achievement of nuclear disarmament. The establishment of such zones and the full compliance with those agreements or arrangements ensures that the zones are genuinely free from nuclear weapons, and respect for such zones by Nuclear-Weapon-States, constitute an important nuclear disarmament measure.

4. **We reaffirm** that the NPT constitutes an essential instrument of the nuclear disarmament and non-proliferation regime and therefore reiterate the validity of its set of principles, obligations, and rights, in particular Articles III, IV, VI and VII.

5. **We reaffirm** the importance of achieving the universality of the NPT and urge those States that are not parties thereto to accede to the Treaty without delay or conditions as non-nuclear-weapon States.

6. **We express our deep concern** over the lack of progress to date on the application of nuclear disarmament measures agreed to by all States Parties at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and urge all States to comply immediately with the obligation set forth in Article VI of the NPT to undertake to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control, recalling in particular the unequivocal

undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed.

7. **We express our deep concern** with new strategic security doctrines, which assign a broader role to nuclear weapons, imply intentions to develop new types of nuclear weapons or rationalization for their use, as well as to review agreed principles, in particular, the irreversibility of nuclear disarmament.

8. **We reaffirm** that the use or threat of use of nuclear weapons constitutes a breach of international law and the United Nations Charter, and a crime against humanity, as declared in UN General Assembly Resolutions 1653 (XVI), of 24 November 1961, 33/71 B, of 14 December 1978, 34/83 G, of 11 December 1979, 35/152 D, of 12 December 1980 and 36/92 I, of 9 December 1981.

9. **We strongly support** the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

10. **We are convinced** that a continued reduction in non-strategic nuclear weapons constitutes an integral part of the nuclear disarmament process and consider that the fundamental principles of transparency, verification, and irreversibility must be applied to all measures in this area.

11. **We urge** the Nuclear Weapon States to provide effective guarantees to non-nuclear-weapon States that they will not use or threaten to use nuclear weapons against them. In this regard, in addition to the commitments taken on within the framework of UN Security Council Resolution 984 (1995) and the legally binding security assurances set forth in the relevant Protocols to the treaties establishing nuclear-weapon-free zones, we also urge Nuclear Weapon States to continue taking steps toward concluding a universal, unconditional and legally-binding universal treaty on security assurances for non-nuclear-weapon States and that until such treaty exists to respect the commitments assumed regarding security assurances. Priority attention should be given to this matter.

12. **We urge** the Nuclear Weapon States and any other States listed or mentioned in the relevant Protocols to the treaties establishing nuclear-weapon-free zones that have not yet signed or ratified the Protocols to do so as soon as possible.

13. **We also urge** the Nuclear Weapon States that, having signed or ratified some of the relevant Protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretations that affect the denuclearization status of that zone to modify or withdraw such reservations or unilateral interpretations.

14. **We recognize** that the status of a nuclear-weapon-free-zone should be respected by all State parties to the treaty establishing the zone as well as by States outside the region, including all States whose cooperation and support are essential for the maximum effectiveness of such a

zone, namely, the Nuclear-Weapon-States and, if there are any, States with territory or that are internationally responsible for territories situated within the zone concerned.

15. **We proudly note with satisfaction** that with the entry into force of Treaties of Tlatelolco, Rarotonga and Bangkok, which had established nuclear-weapon-free zones in Latin America and the Caribbean, the South Pacific and Southeast Asia, along with the Antarctic Treaty and the Seabed Treaty, the areas of the world that are nuclear-weapon-free had been expanded.

16. **We similarly welcome** the efforts aimed at concluding the ratification process of the Treaty of Pelindaba, signed on 12 April 1996, which created Africa's nuclear-weapon-free zone, and exhort the States of the region that have not yet done so to ratify the Treaty so it may enter into force. Likewise, we urge the Nuclear Weapon States and other States that are contemplated in its relevant Protocols to sign or ratify said Protocols if they have yet to do so.

17. **We express** our recognition and full support of Mongolia's international nuclear-weapon-free status.

18. **We reiterate** our support for the establishment of a nuclear-weapon-free- zone in the Middle East and, in this regard, we reaffirm the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

19. **We also reiterate** our support for the establishment of a nuclear-weapon-free zone in South Asia and urge India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive Agency safeguards. We further urge both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

20. **We welcome** the Tashkent statement of representatives of the five Central Asian States of February 2005, where they reaffirmed their strong commitments to establish a nuclear-weapon-free zone in Central Asia and urged all States, particularly the nuclear-weapon States, to fully cooperate with the five Central Asian States in implementing the Central Asian Nuclear-Weapon-Free Zone Treaty.

21. **We reaffirm our commitment** to reach the common objectives set forth in the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote the nuclear-weapon-free zones; to cooperate in the advancement of ratifications by all states that belong to a nuclear-weapon-free-zone as well as in the implementation of relevant instruments as a contribution to strengthen the NPT regime and achieve nuclear disarmament, including through mechanisms such as joint meetings of the States parties, signatories, and observers of those treaties, and cooperation agreements signed among them in a systematic manner within the framework of the NPT Review Conferences.

22. **We accept** the application of the relevant rules of international law, expressly recognized by States, to the maritime areas covered by the nuclear weapon free zones.

23. **We reiterate** our position for the total elimination of all nuclear testing and stress the significance of achieving universal adherence to the Comprehensive Nuclear Test Ban Treaty, including by all Nuclear Weapon States, which inter alia, should contribute to the process of nuclear disarmament. We highlight the importance of maintaining a moratorium on nuclear-weapon-test-explosions or any other nuclear explosions pending the entry into force of that Treaty. We reiterate that if the objectives of the Treaty were to be fully realized, the continued commitment of all signatories, especially the Nuclear Weapon States, to nuclear disarmament would be essential.

24. **We reaffirm** the inalienable right of all States to develop the research, production, and utilization of nuclear energy for peaceful purposes without discrimination, as well as the inviolability of nuclear facilities. We further reaffirm that the nuclear-weapon-free-zones should not prevent the use of nuclear science and technology for peaceful purposes, as well as the essential character of International Atomic Energy Agency (IAEA) technical cooperation activities in promoting the development of nuclear energy for peaceful purposes and preventing the diversion of atomic energy for military purposes. In this regard, we underscore the important role of the IAEA in verifying that nuclear energy is only used for peaceful purposes[1].

25. **We reaffirm** that the nuclear-weapon-free zone could also promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone, in support for socio-economic, scientific and technological development of the State parties. We call upon all States in a position to do so to contribute to the financing of the IAEA technical cooperation activities, as essential in promoting nuclear energy for peaceful purposes, and represent valuable contributions in that regard, particularly in developing countries.

26. **We recognize** the fundamental role of the IAEA in the application and verification of compliance with the international safeguards regime provided for in the NPT and the relevant NWFZ treaties, as well as the efforts of the IAEA to strengthen the effectiveness of the IAEA safeguards system.

27. **We are firmly convinced** that the most effective way to prevent non-State actors from acquiring nuclear weapons is through the total elimination of those weapons, and to this end, we encourage cooperation among and between States and relevant regional and international organizations for strengthening national capacities in this regard.

28. **We express our deep concern** over the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, and express the hope that the effective implementation of the IAEA Code

[1] Please, see Rapporteur's report (CZLAN/CONF/4)

of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes in their territories.

29. **We reiterate our deep** concern over the potential serious ecological and security risks of transporting radioactive material and other dangerous waste by sea or other navigable waters and urge all States, particularly those that transport such materials, to strengthen the international legal code as regards security and responsibility measures applicable to this mode of transportation, through the effective application of the commitments adopted within the IAEA, the IMO and other international fora. We also urge all States to exchange information at the government level on the transport of radioactive material and urge States shipping radioactive materials to work with potentially affected States to address their concerns in this regard[2].

30. **We express our conviction** that disarmament and non-proliferation education constitutes an important measure that can contribute to achieving a world free of nuclear weapons threats. We therefore encourage all States to promote programs instilling the values of peace, disarmament, and nuclear non-proliferation in their respective educational and academic spheres and call upon IAEA and donor countries to help in the promotion and implementation of such programs.

31. **We recognize** the importance of multilateralism and in particular the notable role played by the United Nations in the area of nuclear disarmament and nuclear non-proliferation and we reiterate our commitment to adopting measures to strengthen that role.

[2] Please, see Rapporteur's report (CZLAN/CONF/4)

Annex IV

CZLAN/ONG/2

Report from the Civil Society Forum
A side event at the
Conference of States Parties and Signatories to the Treaties that establish Nuclear-Weapon-Free Zones
organized by the Mayors for Peace
and the Parliamentary Network for Nuclear Disarmament.

Report presented by Alyn Ware
Global Coordinator of the Parliamentary Network for Nuclear Disarmament.

[Original: English]

Mr President, your excellencies, ladies and gentlemen.

I have the honour to present the report from the Civil Society Forum, the side event organized by the Mayors for Peace and the Parliamentary Network for Nuclear Disarmament.

Firstly I would like to thank all the States Parties to the nuclear fee zone treaties for establishing space at this conference for interested sectors of civil society to meet, and I would like to thank the government of Mexico for inviting us to coordinate the event.

The Forum included representation from mayors, parliamentarians, academics, scientists, government officials, media, nuclear survivors and non-governmental organisations from around the world. The breadth of representation is indicative of the strong and growing interest in the wider community about the unacceptable risks from current nuclear stockpiles and policies, and also the common understanding that the establishment, consolidation, strengthening and expansion of nuclear weapon free zones can play an effective role in the prevention of nuclear proliferation and the achievement of a nuclear weapons free world.

The forum served as a sharing of ideas and initiatives from the various civil society sectors relating to nuclear weapons free zones. It did not attempt to arrive at any agreed resolution or declaration. However, there was general agreement that this Conference, in bringing together all the States Parties to Nuclear Weapon Free Zone treaties for the first time, is an historic event that in itself serves to strengthen the global norm against nuclear weapons, especially through the adoption of a common declaration. In addition, this conference can serve as a basis for future meetings of States parties in order to move from common declarations to collaborative action. There was considerable support, for example, for the establishment of a Southern Hemisphere and Adjacent Areas Nuclear Weapons Free Zone. Such a zone should include an appeal to the nuclear weapon States to honour the desires of the region to be totally free from nuclear weapons and thus the NWS should desist from transiting deployed nuclear weapons through the oceans in the zone. The Bangkok-Treaty-prohibition of the

threat or use of nuclear weapons from within or into the zone including the exclusive economic ocean zones, was cited as a positive step towards such a southern hemisphere zone free from all nuclear weapons including those on submarines and ships.

The concept of nuclear weapons free zones as steps towards a nuclear weapons free world was a common theme. This included encouragement to States Parties to the zones to actively encourage states in other regions to establish nuclear weapon free zones. One such proposal discussed was for a North East Asia NWFZ. It was noted that Nuclear Weapon Free Zones (NWFZs) provide security benefits in a region beyond just solidifying a ban on nuclear weapons – they also serve as confidence building and peacemaking vehicles. It was hoped by many that the regions covered by nuclear weapon free zones should expand quickly to make the whole world a nuclear weapons free zone, or as one participant suggested, the Adjacent Areas referred to in the proposal for a Southern Hemisphere and Adjacent Areas NWFZ could in fact be the Northern Hemisphere.

There was some consideration of the idea that if the NPT Review Conference and the Conference on Disarmament fail to initiate negotiations leading to the abolition and elimination of nuclear weapons as required under Article VI of the NPT and affirmed as customary law by the International Court of Justice, then the States parties to the NWFZs could initiate deliberations or negotiations on a program or treaty for nuclear disarmament. It was noted that the States parties to NWFZs, having renounced nuclear weapons themselves, have the moral authority to require Nuclear Weapon States (NWS) to develop concrete plans and initiate ongoing steps towards complete nuclear disarmament.

It was recognized that while the strengthening of regional nuclear weapon free zones by treaty amendment is a difficult process, individual States can take domestic action to strengthen the international norm against nuclear weapons by adopting regulations or legislation prohibiting nuclear weapons and instigating criminal responsibility for violations, such as the legislation adopted by New Zealand. It was noted that there is a strengthened mandate, as well as increased opportunities, for States to take such domestic actions as a result of the 1996 International Court of Justice Advisory Opinion affirming the illegality of nuclear weapons threat and use, and United Nations Security Council Resolution 1540 on preventing proliferation of weapons of mass destruction.

Considerable attention was given to the forthcoming NPT Review Conference and what steps should be accomplished through the NPT forum, regardless of whether or not there is universal agreement in May 2005. These included implementation of the disarmament steps agreed in 2000 and the proposal by Malaysia, in their draft NPT working paper released in November 2004, that NPT States Parties give consideration to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons free world.

Key initiatives from various sectors of civil society were discussed such as the drafting and adoption of parliamentary resolutions in various legislatures including in the NWS, and the success of Mayors for Peace in engaging 1000 mayors in a vision for a nuclear weapons free world by 2020.

A strong focus of the forum, stimulated by the testimonies of survivors from the nuclear bombs detonated at Hiroshima and Nagasaki and the nuclear tests in the Pacific, and also from the mayors,

was the environmental and health damage in the past, present and future, by any use or testing of nuclear weapons and also by the production of nuclear weapons and nuclear energy and the resulting radioactive waste. There was reaffirmation of the ICJ conclusion that "the effects of nuclear weapons cannot be contained in time or space" and support for the Declaration of the Rights of Future Generations which was initiated by Jacques Cousteau.

Specific concern was expressed about both the environmental and proliferation risks of plutonium reprocessing and nuclear materials shipments. The requirement of coastal States and others to obtain adequate safety measures, disclosure, liability, security and compensation in relation to such transports was acknowledged in the Small Island Developing States Declaration (SIDS) in Mauritius. However, there was recognition at the Civil Society Forum that such measures do not appear to be – nor possibly could be – adequate to compensate for an accident or disaster. It was urged that a stronger application of the precautionary principle be made, which would therefore proscribe such shipments in accordance with SIDS' goals.

There was a strong feeling amongst the participants that civil society members can provide inspiration, experience, ideas and support in the review and implementation of the goals of the NWFZs, and as such there was hope that civil society representatives could play a more direct role in future meetings of the States parties of NWFZs. [May I add that the granting of the floor to the representative of Pugwash yesterday was a positive precedent in this regard]

In conclusion, may I take this opportunity to express once again the sentiment that this is indeed an historical conference, bringing together 108 States parties to NWFZs, observer States and civil society to establish a new and powerful forum for the delegitimisation and abolition of nuclear weapons. It was noted that the nuclear age began in New Mexico and perhaps the older wiser Mexico {in relation to nuclear weapons at least} will become known as the place where the end of the nuclear age began.

Thank you.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by the Islamic Republic of Iran for Main Committee I

1. In the course of the negotiations leading to the NPT, a delicate and balanced package of rights and obligations was introduced according to which non-nuclear-weapon States undertake not to acquire nuclear weapons, and to place their facilities under the safeguard agreements. In return nuclear-weapon States undertake not to transfer and develop nuclear weapons and commit themselves to practical steps towards nuclear disarmament. Moreover all States Parties to the Treaty undertake to cooperate and ensure the implementation of the inalienable rights of the States Parties for peaceful use of nuclear energy in a non-selective and non-discriminatory manner.

2. Since 1978, when the final document of the SSODI confirmed nuclear disarmament as the highest priority on disarmament agenda, the international community had to wait for more than two decades to witness a comparable endorsement of its long sought goal in the final document of the 2000 NPT Review Conference. We should not permit the new hopes for revitalization of the issue of nuclear disarmament to fade out again.

3. With the adoption of the 13 practical steps in the 2000 Review Conference, including the "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament under Article VI of the Treaty", hopes for the implementation of this fundamental part of the NPT was renewed. The 13 practical steps for the systematic and progressive efforts to implement Article VI of the NPT, was considered to be the most important achievement of the 2000 Review Conference in the field of nuclear disarmament. This Conference would need to seriously consider the expansion of the national reports by the nuclear-weapon States with respect to their implementation of Article VI of the Treaty to the Conference, to include their measures adopted in implementation of the these 13 practical steps.

4. Since the 2000 NPT Conference developments in the area of nuclear disarmament have not been promising. Despite the obligations under Article VI and undertakings by the nuclear-weapon States in 1995 and 2000, in particular the 13 practical steps, the continued development and deployment of thousands of nuclear warheads in the stockpiles of the nuclear-weapons States are still threatening international peace and security.

05-35050 (E) 200505

5. The non-entry into force of START II agreement, the reluctance to pursue the START III negotiations and abrogation of the ABM Treaty are among the serious set backs to the implementation of 13 practical steps. The international community has noted the signature of the Moscow Treaty on Strategic Offensive Reduction in 2002. However, reductions as stipulated in this treaty are far below the international expectations for real steps towards total elimination of nuclear weapons. Moscow Treaty does not go beyond de-commissioning of nuclear weapons and Parties do not have any obligation to destroy their nuclear weapons. No verification mechanism is also envisaged. It, therefore, does not take into account the principles of "increased transparency", "diminishing role for nuclear weapons" and "irreversibility" which were agreed by the nuclear-weapon States in the 2000 NPT Conference.

6. During the 2000 Review Conference, the nuclear-weapon States committed themselves to "the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as integral part of the arms reduction and disarmament process". In spite of that, no practical steps have been taken to reduce tactical nuclear weapons by the nuclear-weapon States.

7. The adoption of the Nuclear Posture Review by some nuclear-weapon State, provides for the development of new types of nuclear weapons, possible use or threat of use of nuclear weapons against non-nuclear-weapon States and targeting nuclear weapons against non-nuclear weapons States Parties to the Treaty, in contravention with the assurances given by the nuclear-weapon States at the time of the conclusion of the NPT and its indefinite extension. My delegation intends to address this issue as well as the general question of "security assurances" in its proper stage allocated to the issue in the Conference.

8. At the earlier stage, the questions raised over the new posture review were simply refuted as being based on an unofficial paper reports. Yet today in spite of allocation of hundreds of millions of dollars to projects aimed at developing mini-nuclear weapons or the so-called bunker busters, they are claimed to be simple research programmes. This Conference has an urgent task to alleviate the concerns of non-nuclear-weapon States over the development of new nuclear weapons and should consider a decision on prohibition of development and production of any new nuclear weapons, particularly mini-nukes as well as a ban on construction of any new facility for the development and production of nuclear weapons.

9. Moreover, real concerns of the international community over vertical proliferation of nuclear weapons transfer and deployment of nuclear weapons in territories of non-nuclear-weapon States, lowering the threshold of resort to nuclear weapons and the danger of using such inhumane weapons,in conventional conflicts and against non-nuclear-weapon States parties to the NPT, remains unabated.

10. In accordance with Article I of the NPT "Each nuclear-weapon State to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly". Contrary to this obligation hundreds of nuclear weapons have been and are still deployed in other countries and air forces of non-nuclear-weapon States train delivery of these weapons under the cover of military alliances. In the same context, the nuclear sharing between nuclear-weapon States and non-nuclear-weapon States is also a grave source of concern for NPT parties. The nuclear-weapon States should comply with their obligations under Article I by refraining

from nuclear sharing, no matter what the pretext or under any kind of security arrangements or military alliance.

11. Furthermore, the Conference should reaffirm the total and complete prohibition of the transfer of any nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear scientific or technological fields to non-parties to the NPT, without exception and in particular to Israel, whose unsafeguarded nuclear facilities and its continued programme for the development of nuclear weapons are a real threat to all countries in the Middle East and to the international peace and security.

12. Although as a positive note nuclear testing moratorium has been maintained after the CTBT signature, some efforts are under way in some nuclear-weapon States to allocate millions of dollars to reduce the time necessary to resume a nuclear test up to 18 months that put into question their commitment on moratorium. The prospect for the CTBT entry into force has faced a serious set back by the rejection of the ratification process by a major nuclear weapon State. Similarly at the time the prospect for commencing the negotiations of a Fissile Material Cut-off Treaty was high, the unwarranted insistence from the same country for excluding the element of verification from the negotiating mandate of the Ad Hoc Committee to be established at the CD has created an obstacle for the realization of this long-standing commitment of the international community. It is time to seriously consider that by changing the negotiating mandate of the Ad Hoc Committee, no basis is remained to allow for the commencement of the Cut-Off Treaty negotiations.

13. While the new issues such as terrorism, non-proliferation threats and the role of non-States actors should be dealt with, it is very unfortunate that these issues are abused as pretexts to justify the pursuit of programmes on new nuclear weapons system and the ignorance of nuclear disarmament obligations. Specific threats may not be resolved through resorting to more dangerous weapons with catastrophic consequences going well beyond any other threats in scope and effects.

14. The NPT Review Process should be able to reiterate once again its unconditional global call for the full implementation of the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and must assess the implementation of the 13 practical steps adopted by consensus in the 2000 NPT Review Conference.

15. Parties to the Treaty particularly the nuclear-weapon States should engage in good faith in substantive work of the Conference for the speedy and meaningful implementation of obligations under the Treaty including Article VI and the commitments made within 1995 and 2000 NPT Review Conferences.

16. We continue to believe in the need for negotiations on a phased programme for the complete elimination of nuclear weapons within a specified time limit, including a Nuclear Weapons Convention, and in this regard reiterate our call for the establishment as the highest priority and as soon as possible of an Ad Hoc Committee on Nuclear Disarmament in the Conference on Disarmament.

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Working paper submitted by the Islamic Republic of Iran for Main Committee II

Safeguards

1. The IAEA is the competent authority responsible for verifying and assuring in accordance with the statute of the IAEA and IAEA safeguards system, compliance with its safeguards agreements with States Parties undertaken in the fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of the nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore nothing should be done to undermine the authority of IAEA in this regard.

2. The safeguards system of the IAEA is a fundamental pillar of the nuclear non-proliferation regime. According to article III of the Treaty, each non-nuclear weapon State party to the treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency for the exclusive purpose of verification of the fulfilment of its obligations assumed under the NPT. The safeguard agreements aim to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

3. The comprehensive safeguards agreements (INFCIRC/153) has been recognized as the primary legal basis of the safeguards by the States Parties to the Treaty ensuring that no diversion of nuclear material has occurred in the nuclear programme of the States. Such safeguards agreements still form the foundation of all safeguards activities of the Agency, and need to be promoted and universalized.

4. It should also be emphasized that comprehensive safeguards agreements based on the document INFCIRC/153 have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided some assurances regarding the absence of undeclared nuclear material and activities.

5. Following major efforts by the IAEA Board of Governors, negotiations led to the adoption of the Additional Protocol which goes very extensively beyond the traditional safeguard agreement through establishment of an intrusive verification mechanism.

05-35056 (E) 200505

6. In the meantime, the Additional Protocol may not achieve its objectives if all nuclear-weapon States Parties and States not party to the Treaty continue to refrain from adhering to it.

7. The Agency's activities in accordance with its statute focuses on three pillars which include enlarging peaceful applications of nuclear energy, verification of nuclear materials and activities, and enhancing the safety and security of nuclear material and facilities, which may be summarized into two dimensions of promotional and regulatory activities.

8. It should be noted that preservation of the balance between the promotional and regulatory activities is the best guarantee for integrity and credibility of the Agency. Equal political and financial support should be rendered to all the three pillars and strengthening one pillar should not be at the cost of any other. It is a source of deep concern that attempts are exercised by some to use the IAEA's technical cooperation as a tool for political purposes in violation of the IAEA's statute.

9. The IAEA, under its statutory obligations, pursues the goals of technical cooperation in peaceful applications of nuclear energy as one of the three pillars of its activities. In order to meet the objectives of technical cooperation for peaceful purposes as enshrined in the Statute of the IAEA and in the NPT, sufficient resources together with full political support should be provided in order to ensure that the technical cooperation programme remains firm, sustainable and predictable.

10. As understood from the provision of this legal instrument, fulfilment of the obligation to accept safeguards may not be looked at in isolation from article IV. Article III reaffirmation that "*the safeguards shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty*", is in fact an assurance for the implementation of article IV.

11. In spite of decisions of the previous NPT review conferences, non-nuclear weapon-States Parties to the Treaty are facing threats of attacks from certain nuclear weapon States and non-parties to the Treaty. The threat is so serious that a nuclear weapon State in its nuclear posture review explicitly names non-nuclear weapon States Parties to the Treaty as the target of its deployed nuclear weapons.

12. Principle 20 of the 1995 Decision on Principles and Objectives confirms that: "*Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.*" Any such attacks would have severe humanitarian, environmental, political and economic consequences and put under question the credibility of the NPT.

13. The issue of inviolability of the safeguarded nuclear facilities should be seriously dealt with. States Parties to the NPT should undertake not to take or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear facilities under full scope safeguards of the IAEA.

Avoiding Unilateral Criteria setting and Double Standard

14. Unilateral criteria setting and imposition of double standards both in the field of safeguards and technical cooperation are detrimental to the credibility of the IAEA verification and promotional activities. The role of the IAEA safeguards system in providing credible assurances in the peaceful nature of the nuclear activities of States Parties should be recognized and supported as the only criteria in verification of compliance with article II obligations. Wishful judgement on others' compliance, while being in a questionable standing with one's own obligations, would be a disservice to the non-proliferation cause.

15. National export controls should not in any manner hamper or restrict the transfer and exchange of materials, equipment and technology for peaceful purposes between States Parties to the Treaty. Non-transparent and discriminatory export control regimes lead to new division between States Parties to the Treaty and can only provoke suspicion and mistrust. Therefore any supplier arrangement should be transparently promoted through a framework of dialogue and cooperation among all interested States Parties to the Treaty.

16. New concepts are introduced which go beyond the essential foundations of the Treaty. The idea of "counter-proliferation" as something differing from the Treaty term of "non-proliferation" has been introduced in circumstances that the Treaty itself provides very clear basis and mechanism for verification of compliance with the treaty and collective action to confront the threats and deal with cases of proliferation.

17. No rule of the international law authorizes any State Party to a treaty to claim a superior enforcing role. Nor do internationally recognized rules of navigation in high seas permit any State to cut through free navigation in high seas under unwarranted claims of counter-proliferation. Therefore any effort to give the slightest recognition of any new special status to any State Party or go along with new divisions among the States Parties to the NPT can not be accepted.

Nuclear Weapon Free Zones

18. The establishment of nuclear weapons free zones as reaffirmed in SSOD-I constitute an important disarmament measure. The establishment of such zones enhances regional and global peace and security, and strengthens the non-proliferation regime as well. The establishment of NWFZ in Latin America, South Pacific, Africa, South-East Asia and Central Asia are all effective initiatives towards the attainment of a world entirely free from nuclear weapons.

19. The establishment of a nuclear weapon free zone in the Middle East has been the long-standing goal of the people of the region. The establishment of such a zone in the Middle East will strengthen the security and stability in the region.

20. The resolution on the Middle East, as reaffirmed in the Final Document of the 2000 NPT Review Conference, is an essential element of the package of agreements in the 1995 NPT Review and Extension Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without vote in 1995.

21. The 2000 Review Conference called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible

and to place their nuclear facilities under full scope IAEA safeguards. The Conference also emphasized the importance of Israel's accession to the Non-Proliferation Treaty and placement of all its nuclear facilities under comprehensive IAEA safeguards.

22. However, despite repeated calls by the international community, Israel has neither acceded to the Treaty nor has it placed its unwarranted nuclear facilities under full scope safeguards. Israel has not even declared any intention to accede to the Treaty.

23. Moreover the unsafeguarded facilities of Israel constitute a real threat to the security of the Middle East countries. The 2000 Review Conference recalling the obligation of all States Parties under articles I, II and III of the Treaty, called upon all States Parties not to cooperate or give assistance in the nuclear or nuclear-related field to States not party to the Treaty in a manner which assists them in manufacturing nuclear weapons or any other nuclear explosive devices.

24. An agreed plan of action for the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, especially in the Middle East, should be on the agenda of all States Parties to the Treaty, in particular nuclear-weapon States. There should be greater pressure on Israel to accede to the Treaty promptly and without condition, and to place all its nuclear facilities under the IAEA full scope safeguards.

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Working paper by the Islamic Republic of Iran on negative security assurances

1. The question of the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) against use or threat of use of nuclear weapons has been an important issue since the inception of the NPT.

2. In the early 1980s, all five nuclear-weapon States, in response to the international demand for a treaty on negative security assurances against nuclear weapons, as a first limited step, accepted some qualified undertakings not to use such weapons against States Parties to the NPT and those which renounce the production and acquisition of such weapons.

3. In early April 1995, this pledge was reaffirmed through unilateral statements by nuclear-weapon States and on 11 April 1995, just days before the 1995 NPT Review and Extension Conference, United Nations Security Council resolution 984 was adopted taking note of these unilateral statements and recognizing "*the legitimate interest of non-nuclear-weapon States parties to the Treaty on Non-Proliferation of Nuclear Weapons to receive assurances*". The Security Council is also very explicit in "*considering that the ... resolution constitutes a step in this direction*". The 1995 unilateral statements and the subsequent United Nations Security Council resolution are inseparable parts of the deal over the indefinite extension of the Treaty and the efforts to weaken those achievements seriously undermine the very credibility of the NPT.

4. The unilateral declarations of the nuclear-weapon States and the Security Council resolution were duly taken note of, in a package of decisions, by the 1995 NPT Review and Extension Conference. Principle 8 of the Decision on Principles and Objectives stipulated that "*further steps should be considered to assure non-nuclear-weapons States Parties to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.*"

5. The 2000 NPT Review Conference in paragraph 2 under "Article VII Chapter" of its Final Document reaffirmed the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons, and agreed that legally binding security assurances by the five nuclear-weapon States parties to the Treaty to the non-nuclear-weapon States strengthen the nuclear

proliferation regime and called upon the Preparatory Committee to make recommendations to the 2005 Review Conference. In view of this agreement, despite the inability of the Preparatory Committee, the NPT Review Conference has a clear mandate to make a decision on Negative Security Assurances.

6. Today, as an effect of the adoption of the Nuclear Posture Review in 2001, the non-nuclear-weapon States are more than ever under the real threat of use of nuclear weapons. The development of new types of nuclear weapons and naming non-nuclear-weapon States as targets of such inhumane weaponry clearly violates the obligations under Article VI of the Treaty and put their commitment to their 1995 unilateral statement under serious question. Contrary to some claims, the development of mini-usable nukes or the so-called bunker busters are not mere studies. Hundreds of millions of dollars have already been allocated to the project and the international community should not await the deployment or even use of such weapons to react.

7. Iran considers the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons and pending the total elimination of these inhuman weapons, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority by the international community.

8. We therefore expect this Conference in the implementation of the mandate from the 2000 Review Conference, to make a decision on the Negative Security Assurances to Non-nuclear Weapon States. The Conference could reaffirm, inter alia, that:

(i) In the post cold war era and pending the conclusion of a legally binding instrument on negative security assurances, the nuclear-weapon States should undertake unconditional and unqualified commitments so as not to use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT.

(ii) In light of the new developments in the international security arena, a new resolution from the United Nations Security Council underlining unqualified security assurances on use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT would enhance regional and international peace and security.

9. We regret that the Preparatory Committee was disabled from producing recommendations on the Security Assurances to the 2005 Review Conference. Therefore, we propose that the Conference would establish an AD-Hoc Committee to work on a draft legally binding instrument on providing security assurances by the five nuclear-weapon States to non-nuclear-weapon States parties to the Treaty, and to submit the draft of the legal instrument to the next Review Conference for its consideration and adoption. As a first step to address the twin issues of illegality of use and NSA, we believe that as suggested by the NGO community this conference should adopt a decision through which the Conference "decides that the threat or use of nuclear weapons against non-nuclear-weapon States shall be prohibited."

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Peaceful use of nuclear energy

Working paper submitted by the Islamic Republic of Iran for Main Committee III

Peaceful use of nuclear energy

1. Article IV of the Treaty guarantees *"the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty"* and provides for an undertaking by all parties to the Treaty *"to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy"* in order to establish a balance between security concerns and the socio-economic requirements for development especially for the developing countries. This Article also plays a crucial role as the main incentive set forth to encourage non-nuclear weapon states to join the Treaty and thereby foster the non-proliferation regime.

2. Peaceful application of nuclear energy was recognized in the Statute of the International Atomic Energy Agency well before the conclusion of the NPT. The *reason de etre* of the Agency is "atom for peace" and as stipulated in article II of the statute of the Agency one of the main pillar of the agency is acceleration and enlargement of contribution of atomic energy to peace, health and prosperity throughout the world. The peaceful application of atomic energy is so important that even in paragraph 4 of the comprehensive safeguard agreement it is reiterated that: *"The safeguards provided for in this Agreement shall be implemented in a manner designed:*

(a) To avoid hampering the economic and technological development of the country or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;

(b) To avoid undue interference in the country's peaceful nuclear activities, and in particular in the operation of facilities; and

(c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities."

05-35068 (E) 230505

3. The inalienable right of all States Parties to nuclear technology for peaceful purposes without discrimination indeed constitutes the very foundation of the Treaty. This inalienable right in itself emanates from two broader propositions. First, scientific and technological achievements are the common heritage of humanity and are not the monopoly of some nations. They must be used for the improvement of the human condition and not abused as instruments of terror and domination. The second general proposition is the requisite balance between rights and obligations of the States Parties which is the basis of any sound legal instrument. This baiance guarantees the longevity of the legal regime by providing incentives for membership and compliance.

4. Article III, while providing for the undertaking by each non-nuclear weapon state to conclude safeguard agreements with the IAEA, is equally explicit in articulating that the implementation of such safeguards shall be *"in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing"*.

5. As an important element of the package which led to the indefinite extension of the Treaty in 1995, the right to peaceful uses of nuclear energy is underlined in 7 paragraphs of the decision on Principles and Objectives. Ensuring the exercise of inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination is specifically emphasized in Principle 14.

6. The 2000 NPT Review Conference also reaffirmed that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to develop, research production and use of nuclear energy for peaceful purposes without discrimination.

7. This notion was duly noted in the Final Document of the 2000 NPT Review Conference considering that *"the strengthening of IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. The allocation of resources should take into account all of the Agency's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer."*

8. Given the importance of the peaceful applications of nuclear energy and nuclear technologies for human health, agriculture, environmental protection and sustainable economic development, especially in the developing countries, the statute of the International Atomic Energy Agency recognizes its role in encouraging and assisting *"research on, and development and practical application of, atomic energy for peaceful uses throughout the world"* and fostering *"the exchange of scientific and technical information on peaceful uses of atomic energy"*.

9. In recent years, the fundamental role of the IAEA for the promotion of nuclear energy for peaceful purposes has been increasingly recognized. Developing States Parties to the Treaty expect more financial and human resources to be dedicated to the Technical Cooperation Fund of the Agency to enable the latter to effectively discharge its responsibilities.

Export control

10. Measures taken by the States Parties to prevent nuclear proliferation should facilitate rather than hamper the exercise of the recognized rights of the developing States Parties to the Treaty for the peaceful applications of nuclear energy. Imposition of undue restrictions as a cover for implementation of certain States' foreign policy objectives is a manifest violation of Article IV obligations and challenges both the integrity and credibility of the Treaty.

11. Undue restrictions on the transfers of nuclear materials, equipment and technologies for the peaceful uses of nuclear energy should be removed. Bilateral and multilateral cooperation among the States Parties to the Treaty under the supervision of the IAEA on the peaceful uses of nuclear energy should never be restricted or confined either by other states or ad hoc export control regimes. The application of unilaterally enforced export control regimes in contravention with the letter and the spirit of the Treaty has hampered the access of developing countries to nuclear materials, equipment and technologies for peaceful purposes.

12. Principle 9 of the 1995 Decision on Principles and Objectives, adopted together with the Decision on Indefinite Extension of the Treaty, provides the appropriate mechanism to address proliferation concerns and explicitly reiterates that *"nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard"*. Non-proliferation control arrangements should be transparent and open to participation by all States. Such arrangements should not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their sustainable development. In this regard any attempt to use the International Atomic Energy Agency's (IAEA) technical co-operation program as a tool for political purposes in violation of the IAEA's Statute, is unacceptable.

Cooperation on the peaceful use of nuclear energy

13. Measures need to be taken to ensure that the inalienable rights of all the States Parties under the provisions of the preamble and articles of the Treaty are all fully protected. No State Party should be limited in exercising its rights under the treaty based on allegations of non-compliance which are not substantiated by the IAEA. The inalienable rights of the States Parties, as stipulated in the Treaty, cover all aspects of peaceful technologies and are not limited to specific areas. In this connection, it was stipulated in the Final Document of the 2000 NPT Review Conference and reiterated by the Ministers of the Non-Aligned Countries in the Durban Conference in 2004 that: *"each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international co-operation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies."* The interpreting of Article IV in a way that limits the rights derived from this Article to mere *"benefits of nuclear energy"* is clearly in contravention of the very wording of the Treaty and is totally unacceptable.

14. Rapid global demand for electricity, increasing uncertainty in supply and prices of oil and natural gas, and concerns about the greenhouse gas emissions have opened more prospects for the new development of nuclear energy at the global scale. Within this trend more countries have the determination to construct new nuclear power plants, while others already having such plants, have opted to

construct new ones. Accordingly the global demand for nuclear knowledge and materials, including the programs for development of fuel cycle facilities are growing rapidly. Global trends and analysis suggest a lucrative market for the nuclear fuel in the next decade.

15. Unfortunately the developing States Parties to the NPT face wide range of impediments in expanding their efforts in the exercise of their rights for the application and use of nuclear technology for peaceful purposes. Many nuclear technologies, materials and items are subject to broad restrictions under the pretext of proliferation. Political constraints and monopolies in the area of fuel supply and reprocessing prevents developing countries from enjoying their inalienable right to peaceful uses of nuclear energy and risk the continuous and secure operation of their nuclear power plants. The suppliers have all the means therefore to impose their conditions on the recipients, who are completely dependent on importing fuel for their nuclear power plants.

16. Developing countries have been thus deprived from their basic rights under Article IV of the Treaty. A series of measures are required here to rectify this unfair situation and ensure them of exercising their legitimate rights under the Treaty. Article IV otherwise would be just dead letters on a paper. These measures could include:

- Recognizing the right of all States Parties to develop research, production and use of nuclear energy in all fields;
- Respecting the national choices, decisions and policies of all States Parties to work in all safeguarded nuclear activities, including fuel cycle without discrimination;
- Facilitating and encouraging the economic and technical cooperation in the fuel cycle field through the establishment of regional arrangements.
- Playing a more effective role by the IAEA in guaranteeing the fuel supply and recognition of the fact that restricting fuel supply would be contrary to the basic obligations of the States parties to the NPT;
- Ensuring that fuel would be accessible to the developing countries with competitive and fair conditions devoid of imposed regulations and prices determined through monopolies in the market.
- Ensuring that the application of national control measures do not restrict or limit the access of States Parties to the fuel market;

17. To relieve concerns over the expansion of fuel cycle activities and associated proliferation risks, such as risk of diversion of fissile materials to undeclared purposes, countries with vast nuclear activities and particularly those with fuel cycle program could promote more confidence and transparency within the framework of their IAEA safeguard agreements and other relevant instruments. The States Parties which have enjoyed the international cooperation to assure the implementation of their national policies on fuel cycle and peaceful use of nuclear energy could be expected to sign and implement the Additional Protocol. These countries could even voluntarily provide more transparency through particular arrangements with the IAEA with respect to certain aspect of their fuel cycle program in order to create more confidence.

24. **This Conference should deal with the question of inviolability of the nuclear facilities under full scope safeguards of the Agency and the States Parties to the NPT should undertake not to take or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear facilities devoted to peaceful purposes under full scope safeguards of the IAEA.**

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Enhanced strengthened review process for the Treaty

Working paper submitted by the Netherlands

The States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the context of the implementation of article VIII, paragraph 3, of the Treaty, recalled and reaffirmed the provisions of the decision on "Strengthening the Review Process for the Treaty" adopted by the 1995 NPT Review and Extension Conference (reproduced in the attached Appendix for ease of reference) and the provisions contained in "Improving the effectiveness of the strengthened review process for the Treaty" agreed by the 2000 NPT Review Conference, with the objective of assuring that the purposes of the Preamble and the provisions of the Treaty as well as the decisions, resolutions and outcomes of previous Conferences are being realized.

The States Parties participating in the Conference:

1. Reaffirmed in accordance with article VIII, paragraph 3, and paragraph 2 of Decision 1 of the 1995 NPT Review and Extension Conference that review conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2010.

2. Further reaffirmed that beginning in 2007, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the years prior to the next Review Conference.

3. Reaffirmed that the purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

4. Decided that the Preparatory Committee should also consider developments affecting the operation and purpose of the Treaty and that nothing in the Treaty precludes the Preparatory Committee from adopting by consensus decisions and resolutions on matters of urgent concern relating to the authority, integrity and implementation of the Treaty. Should exceptional circumstances arise affecting the Treaty, a special meeting of NPT States Parties may be convened to consider such circumstances.

05-35074 (E) 230505

5. Decided that the first meeting should make the procedural preparations for the Preparatory Committee and the last meeting should finalize as its first priority all the procedural preparations for the 2010 Review Conference.

6. Decided that at its final session, the Preparatory Committee, taking into account the recommendations, deliberations and results of its previous sessions, should produce consensus reports for the Review Conference on procedural arrangements for the Conference and on recommendations on matters of substance reflecting the views of all States.

7. Agreed that the role of civil society should be enhanced in the Preparatory Committee and the Review Conference. Accordingly, duly accredited non-governmental organizations would attend all public meetings of the Preparatory Committee and the Review Conference, and upon request receive documents, as specified in the Rules of Procedure, and opportunities would be provided for them to address these meetings.

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Explanatory note for elements on enhanced strengthened review process for the Treaty

1. Since the first review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held in 1975, the review process provided for in Article VIII of the Treaty has undergone considerable evolution in response to the changing international situation.

2. In an effort to regularize and strengthen the review process, the 1995 Review and Extension Conference (NPTREC) adopted Decision 1 on "Strengthening the Review Process for the Treaty" (NPT/CONF.1995/32/DEC.1), reproduced in the attached Appendix for ease of reference.

3. Decision 1 and its follow-up has focused on the modus operandi of the Preparatory Committee for the Review Conference, to enhance the consideration of substantive matters relating to the implementation of the Treaty in addition to its traditional function of preparing the procedural arrangements. Thus, since 1995, a prominent element in the work of the Preparatory Committee has been fulfilling its new mandate to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

4. The 2000 NPT Review Conference agreed on provisions for "Improving the effectiveness of the strengthened review process for the Treaty" contained in the Final Document of the 2000 NPT Conference, in order to further enhance effectiveness and as part of a move to promote a more result-oriented review process in which the achievements of each stage are fully used to secure further incremental improvements.

5. Aside from these formal actions designed specifically to strengthen the review process in the context of permanence with accountability for an indefinitely extended NPT, the review process also has been affected by the practices adopted by States Parties in preparing for and conducting the Review Conferences of 2000 and 2005.

6. In the view of many States Parties represented at this Review Conference, the experience and practices of the two most recent review cycles has shown that the system thus developed has not fully met its intended purpose and that it needs to be modified to take account of current circumstances. These States Parties believe that there is a need to ensure that the intent of Decision 1 adopted by the 1995 NPTREC, and reaffirmed in 2000, is dealt with in a manner that permits both the substantive function foreseen for the Preparatory Committee as well as the completion of procedural arrangements, such that the review process can better respond to the current challenges facing the NPT.

7. While this implies that the modus operandi of the Preparatory Committee should enable it at each of its sessions to pronounce itself on the implementation of the Treaty and on relevant specific current issues, this should also ensure that the Committee should complete the required procedural arrangements for the Review Conference. To facilitate the completion of the necessary procedural arrangements, in particular the draft agenda that needs to be decided before the Review Conference can begin its substantive work, the Preparatory Committee at its last session should give the highest priority to finalization of the procedural arrangements for the Review Conference.

8. Experience during the preparatory phases of the last two review cycles also has shown that consensus on substantive matters tends to be the exception rather than the rule, since the compromise on which such consensus is necessarily based will be achieved only at the last stage of the process, i.e. in the concluding phase of the Review Conference. This makes it unlikely in practice that the Preparatory Committee will succeed in producing at its last session in each cycle, "a consensus report containing recommendations to the Review Conference". In order, therefore, to facilitate the work of the Preparatory Committee and of its Chairperson, in conveying to the Review Conference the results of its deliberations, if consensus cannot be achieved at the last session on substantive recommendations to the Review Conference, the Preparatory Committee should adopt a report consisting of procedural arrangements for the Review Conference and a summary of the proposed recommendations.

9. The experience of the Preparatory Committee sessions under the strengthened review process has demonstrated that for the process to be effective and to yield the expected results, it is vital that States Parties show the required political will and be prepared to carry out discussions and negotiations with a view to reaching results on procedural arrangement and substantive matters. A genuine and frank exchange of views, interactive debates and results oriented approach would be the key to success.

10. Accordingly, the draft text of a decision by the Conference, or draft text for inclusion in a final document of the Conference, is attached herewith.

Appendix

NPT/CONF.1995/32 (Part 1), Annex

Decision 1
Strengthening the review process for the Treaty

1. The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons examined the implementation of article VIII, paragraph 3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.

2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII, paragraph 3, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.

3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.

4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.

5. The Conference also concluded that the present structure of three Main Committees should continue and the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.

6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.

7. The Conference further agreed that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.